

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES
Of the
COMMITTEE ON PUBLIC SAFETY

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June 13, 2018
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HELD AT: Council Chambers - City Hall

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:
Justin L. Brannan
Fernando Cabrera
Andrew Cohen
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Keith Powers
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Laurie A. Cumbo
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A P P E A R A N C E S (CONTINUED)

Dermot Shea
NYPD Chief of Detectives

Rodney Harrison
NYPD Chief of Patrol

Oleg Chernyavsky
NYPD Director of Legal Affairs

Marne Lenox
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Anthony Posada
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Mrs. Smith
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Vidal Guzman
Just Leadership

Victor Dempsey
Legal Aid Society

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

Jeremy Kaplan-Lyman
Bronx Defenders

Rebecca Kinsella
Brooklyn Defenders

Dante Barber
Friends of Island Academy

Charlotte Pope
Children's Defense Fund

Shepard McDaniel
Universal Zulu Nation

Judy Greene
Justice Strategies

Alex Vitale
Brooklyn College

Albert St. Jean
Black Alliance for Just Immigration

James Haskins

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2 CHAIRPERSON RICHARDS: Good morning. I'm
3 Council Member Donovan Richards of the 31st District
4 in Queens, and I'm proud to chair the Committee on
5 Public Safety. Thank you for joining us today. I
6 want to thank the members of the Public Safety
7 Committee who are here, Council Member Lancman,
8 Council Member Vallone, and we're also joined by
9 Council Member Kalman Yeger who has a resolution
10 today we'll hear. I want to begin by congratulating
11 the New York City Police Department on its efforts to
12 combat one of the most difficult challenges facing
13 law enforcement today. Gang-related crime, in
14 particularly gang violence, has disproportionately
15 harmful effects on our most vulnerable communities,
16 costing us too many lives and turning too many of our
17 young men and women toward a life of crime. The
18 results of the Department's efforts over the last
19 several years have been laudable as we continue to
20 see most crime statistics decreasing. NYPD's
21 Precision Policing which focuses on known criminals
22 and Neighborhood Policing which strives to partner
23 with the community daily and in ongoing efforts are
24 showing results both in terms of safety and in
25 repairing some of the damage that was done in our

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2 community under prior Administrations. While we
3 applaud those efforts, we must be mindful of the
4 collateral damage that can result from increased
5 police surveillance of young people, especially in
6 minority communities. Too many young men,
7 particularly young men of color, have already been
8 swept into the criminal justice system and we must
9 ensure that as we continue to fight gangs that
10 infiltrate our communities and the street crews that
11 take over some buildings and corners that the police
12 do not go too far. That, in an effort to protect us,
13 that they don't incriminate innocent people who are
14 unfortunately living in some of these areas who may
15 be wearing the wrong color or hanging out with their
16 friends on the wrong corner. Of course, the Police
17 Department should be aware of individuals who are
18 engaged in organized crime and violence. Their
19 mission to keep us safe requires that they be
20 vigilant in identifying those responsible for
21 violence and intimidation. But simply putting--
22 being labeled a gang member can have serious
23 consequences. Immigration authorities use the label
24 to justify deportation. Prosecutors use it to ask
25 for a higher bill to keep people on Rikers Island

1 before they have even been convicted. Judges
2 consider it when imposing sentences even for
3 nonviolent offenses. The risk of these consequences
4 being thrust upon the innocent is too great when
5 information about how and why people are labeled gang
6 members is withheld from the public. Our recent
7 review of patterns of arrests of New Yorkers of color
8 for marijuana show that increased transparency in
9 this area is essential as well. The public has a
10 right to know which communities are being scrutinized
11 and why. Citizens have a right to know how their
12 lawful conduct can result in unwanted attention from
13 the authorities, and we have a responsibility to our
14 citizens to ensure that their government is treating
15 them fairly. Any effort to root out gangs must be
16 balanced against the right of the innocent to be
17 freed from unwarranted police contact. That being
18 said, nothing we do here should require the Police
19 Department to jeopardize ongoing investigations, put
20 officers' lives at greater risk than they already
21 are, or negatively impact the safety of our people in
22 any way. We must balance transparency with effective
23 policing in order to keep our people safe and keep
24 law abiding citizens out of the criminal justice
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1 system and safe from Federal Immigration Authorities.

2 We are also hearing today three Resolutions in honor

3 of Gun Violence Awareness Month. Number 244

4 sponsored by Council Member Yeger calls upon the

5 Federal Government to pass a New York Secure

6 Ammunition and Firearms Enforcement Act of 2013,

7 known as the SAFE Act. Resolution Number 314,

8 sponsored by Council Member Williams, calls on the

9 state to establish a center for research into

10 firearm-related violence and a firearm research fund.

11 In Resolution Number 378, sponsored by Council Member

12 Rose, calls upon the state to pass legislation in

13 relation to the establishment and funding of the Gun

14 Research Safety Fund. Once again, thank you all for

15 being here today. I want to thank the

16 representatives of the Police Department, advocacy

17 groups, and the public that are here today to

18 testify, and I will now ask for our Committee Counsel

19 to administer the oath to our first panel of

20 witnesses. Before we do that, I will go to Council

21 Member Yeger for comments on his resolution.

22 COUNCIL MEMBER YEGER: Thank you, Mr.

23 Chairman, and thank you for adding this resolution to

24 this committee's agenda. I know you have a full

1 agenda today. I'd also like to thank my colleagues,
2 Council Member Rosenthal, Levine, Rivera, Ayala, and
3 of course, yourself, Mr. Richards, and my two
4 colleagues from Brooklyn, Council Member Brannan and
5 Treyger for co-sponsoring this resolution. Since I
6 introduced this resolution several months ago, there
7 have been 17 additional gun violence tragedies in our
8 nation's public schools, 17. Eighty-six US teenagers
9 have lost their lives to gun violence. My resolution
10 is very simple. I'm asking Congress to do its job.
11 We're asking Congress to step up and to do what our
12 Governor, Governor Cuomo did here in New York, pass
13 the SAFE Act. And this is not to say that every
14 single gun will be taken away from lawful gun owners.
15 What this would do simply is to say that assault
16 weapons are no longer able to be acquired by any
17 random person walking into a store anywhere in the
18 country. This is an epidemic. It's a scourge. It's
19 a terrible, terrible thing that we sit here in New
20 York City where we know that nobody can just walk
21 into a store and buy an assault weapon, but at the
22 same time there are states all across the nation
23 where anybody can walk in to any store, maybe show
24 I.D., maybe not, maybe pass a background check, maybe
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1 not, and pick up an assault weapon with 30-round
2 clips and do whatever it is that they want. Here in
3 New York we have a law that says that 30-round clips
4 are unlawful. The max that somebody can have is a 7-
5 rounc clip. That's just common sense. That's not
6 something that it took a genius to invent. There's'
7 no reason that any law-abiding New Yorker, any law-
8 abiding American should be able to pick up a round
9 that has 30 clips in it to load into a semi-automatic
10 or an automatic weapon. There's just no reason for
11 it. It's not an attack on hunters. It's not an
12 attack on lawful rifle enthusiasts. This is simply to
13 keep guns out of the hands of people who will do us
14 harm. So, this is a great resolution. I am grateful
15 for my colleagues for joining me in this. This is
16 not something we can do here, but we're simply asking
17 Congress, and this is the year to demand them to do
18 their jobs. They've been lax. They've ignored us.
19 They've done it for too long. This is the time we're
20 asking them to stand up, to be counted, to do the
21 right thing for our nation, for their communities,
22 for our city and state and for the other 49 states
23 that need this passed. So, I'm grateful again, Mr.
24 Chairman. Thank you so much.
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2 CHAIRPERSON RICHARDS: Thank you. We now
3 will-- Beth, our Counsel, will swear you in, and then
4 -- Oh, we're also joined by Council Members Powers
5 and Cohen.

6 COMMITTEE COUNSEL: Please raise your
7 right hand. Do you affirm to tell the truth, the
8 whole truth and nothing but the truth, and to answer
9 honestly Council Member questions this morning?

10 CHIEF SHEA: I do.

11 COMMITTEE COUNSEL: You may begin.

12 CHIEF SHEA: Good morning Chair Richards
13 and members of the Council. I'm Chief Dermot Shea,
14 Chief of Detectives of the New York City Police
15 Department. I'm joined here today with my
16 colleagues, Chief Rodney Harrison on my left, and
17 Oleg Chernyavsky of the Legal Bureau on my right. On
18 behalf of the Police Commissioner James O'Neill, we
19 are pleased to testify before your committee today to
20 discuss the NYPD's gang enforcement strategies. We
21 know that a small fraction of people in the City
22 commit a large portion of our crime. That is why our
23 application of Precision Policing focuses on finding
24 and arresting these violence actors who weaken the
25 fabric of our neighborhoods through violence and

1 intimidation. Criminal groups that operate on our
2 streets are drivers of a significant portion of
3 violent crime in the city, and some are prime
4 peddlers of narcotics which drive the subsequent
5 increase in opiate overdoses plaguing our city. While
6 New York City is the safest big city in the nation.
7 In some cases, criminal groups hold pockets of our
8 city hostage, inhibiting mothers from letting their
9 children play outside, or preventing the elderly from
10 taking walks in the neighborhoods. Gang violence is
11 an attack not only individual people and families,
12 but also on our communities. The intention of these
13 criminal groups and their violent and illegal actions
14 is to create an environment of fear. Please take a
15 moment to look at the monitors on my left. This is
16 just three recent examples. These videos are
17 examples of the mayhem that gangs can inflict on this
18 city. We see a gang member indiscriminately firing
19 shots down the block, hoping to hit his target with
20 no concern for who else is present, sending innocent
21 children and community residents fleeing for safety
22 in the middle of the day. In the second video, we
23 see a gun battle inside a local bodega between two
24 feuding gangs, and that will be coming up next. In
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1 the final video, we see a man attempting to murder a
2 rival gang member in the middle of the street.
3 However, he misses his target and shoots an innocent
4 bystander down the street pushing a stroller.
5 Thankfully, the man survived and we can only imagine
6 the tragedy if the bullet followed a slightly
7 different trajectory and it struck the young child.
8 This is the one where the man pushing a stroller down
9 the street is struck. We showed these three to
10 really illustrate a picture is worth a thousand
11 words. These are three picked. They're not cherry-
12 picked, because just in the last few days in New York
13 City I could tell you that we've had gang shootings
14 in the 120 precinct in Staten Island, 67 precinct in
15 Brooklyn, the 103rd precinct in Queens. We had four
16 people shot in an incident this week in High Bridge
17 in the Bronx. We had a woman burned yesterday,
18 horribly, involving perpetrator in that case a gang
19 member, and we had a woman raped yesterday on the
20 streets of Brooklyn violently committed by a gang
21 member. This is the reality of what we see and what
22 we've been trying to combat with our precision
23 policing techniques. I'd like to also share three
24 911 calls, and I won't play the audio to protect the
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1 confidentiality. But essentially, what happens in
2 the three 911 calls, and they're illustrated on my
3 left here on a black board, and for the sake of time
4 I won't read them. Shows people calling up
5 throughout New York City and asking for the NYPD's
6 assistance. When I began my career 27 years ago as a
7 patrol officer in the 46th precinct, criminal groups
8 or gangs, as they are commonly called in New York
9 City, followed a traditional structure. They
10 designated specific leaders, held initiation rights,
11 displayed common gang identifiers, and took punitive
12 action against those that challenged or left the gang
13 altogether. They tended to engage in large and
14 small-scale drug dealing, street-level robberies,
15 larcenies, and other general criminal activity to
16 make money. While many gangs still engage in these
17 activities, the traditional structure has fractured.
18 Today, much of what the violent crime we face not
19 only comes from traditional criminal groups operating
20 in our streets, but also from smaller groups often
21 linked by their neighborhood. We refer to these as
22 crews. Crews present many challenges to law
23 enforcement, since their lack of a defined structure
24 makes it difficult to protect their activities or
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1 document their associations, but they remain at least
2 as dangerous as their more structured counterparts.
3 While street gangs take on different forms, they are
4 similar in that they tend to be motivated by grief
5 and a twisted sense of honor, and they are willing to
6 harm or even kill those that stand in their way. In
7 the last decade, gangs have taken-- have greatly
8 expanded their areas of expertise and have not
9 limited themselves to traditional outlets of violent
10 crime and narcotics dealing. As the Department's
11 investigation of human trafficking has become more
12 sophisticated, we have learned how gangs and crews
13 develop significant human trafficking and
14 prostitution rates. In many cases, they engage in
15 their activities to bolster their drug business.
16 Additionally, over the last several years, the
17 Department has seen criminal groups expand into white
18 collar crime, building sophisticated credit card
19 fraud, identity theft, and organized retail and phone
20 theft schemes. This allows criminal groups to extend
21 their criminal enterprises beyond the neighborhoods
22 and public housing developments that they besiege.
23 Our long-term gang investigations are the very
24 definition of Precision Policing. Of the 789
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2 shootings which occurred in New York City last year,
3 a staggering 50 percent involved a gang member as
4 either the victim or the perpetrator, which we refer
5 to as gang-related, and those are the ones that we
6 know about. Since 2016, the NYPD has engaged in
7 approximately 100 long-term gang investigations,
8 resulting in 1,259 arrests. Our gang strategy relies
9 on a combination of modern technology, better
10 management of police resources, intelligence
11 gathering and community participation. The
12 Department works closely with our federal and state
13 law enforcement partners during these investigations,
14 as well as federal and state prosecutors. The new
15 generation of gang members are computer savvy and
16 creative in exploiting new ways to engage in crime.
17 The gangs and their crimes are significantly more
18 difficult and labor-intensive to investigate. The
19 work requires that we conduct long-term
20 investigations, employ numerous investigative
21 techniques, including surveillance, under-cover
22 officers, reviewing financial transactions, and
23 wiretapping. Our personnel are trained to detect and
24 map patterns in crime and identify gang and crew
25 memberships. We also partner with federal law

1 enforcement agencies and federal prosecutors. Not
2 only do these partnerships yield valuable
3 intelligence-sharing benefits, they have aided in
4 disrupting or dismantling the communication structure
5 of these groups. Since June is gun violence
6 awareness month, I feel compelled to note that our
7 comprehensive and collaborative approach to gang
8 suppression operates in tandem with our relentless
9 pursuit of people who carry illegal firearms on the
10 streets of New York City. I'm sure it's no surprise
11 that gang members carry guns. We work hard to build
12 better cases so that prosecutors do not decline to
13 prosecute cases involving guns, and judges do not
14 suppress the evidence we recover. It stands to
15 reason that a successful gun prosecution will often
16 times take a violent gang member off our streets. In
17 order to simply the prosecutor's case, the Department
18 takes DNA swabs of all guns we recover so that we may
19 accurately match the gun to its user. Additionally,
20 we work with our federal prosecutors to bring gun
21 cases into the federal court system where
22 appropriate. By focusing our resources on building
23 better cases, we have been able to change the
24 calculus of carrying guns in our city, making
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2 criminals and gang members less likely to carry. I
3 believe it's important to me to unequivocally state
4 that our efforts against gangs are not the new "Stop,
5 Question and Frisk" as some critics have asserted.
6 The authority for a police officer to engage in stop
7 and questioning and possibly frisking a member of the
8 public during a street encounter requires the officer
9 to develop a reasonable suspicion that criminality is
10 afoot. If probable cause is not established during
11 the encounter, the individual is free to leave. The
12 subjects we arrest alternatively at the end of a
13 long-term gang investigation are almost invariably
14 pre-indicted by grand juries, providing arrest
15 warrants and charges for each specific individual act
16 after probable cause has been established on a case-
17 by-case basis. There is no such thing as a mass
18 arrest warrant for anyone and everyone suspected of
19 being in a gang. It is important to highlight here
20 that only felony cases are presented to grand juries.
21 The significance of a pre-indictment is that we
22 present the evidence we have gathered to a grand jury
23 who decides whether the evidence is sufficient to
24 prosecute each perpetrator. It is then, only then,
25 that we make an arrest. The approach we have taken

1 leads to significantly stronger cases where the
2 investigator and prosecutor have been able to review
3 and assess a vast amount of evidence collected,
4 allowing us to charge people who are culpable for
5 significant felonies. In this manner, we are able to
6 gather a more complete picture of the gang, enabling
7 the NYPD to truly dismantle its structure so we
8 cannot merely recruit new members to replace members
9 we were successful in neutralizing. It bears
10 repeating that these arrests are made after a
11 thorough investigation to establish probable cause,
12 usually a violence crime or violent criminal
13 conspiracy. If the investigation fails to yield
14 results, we cannot and will not arrest. The
15 Department also acknowledges that some of our gang-
16 related enforcement operations in communities may
17 appear overwhelming and intrusive. Some of our
18 operations require a large officer-contingent,
19 sophisticated technology, and an aerial presence.
20 Much of this is done out of an abundance of caution
21 giving the violent nature of these criminal groups,
22 and I will point out that that is the exception and
23 not the norm. Some street gangs have employed
24 military-style tactics and use high-power weaponry,
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1 while others have taken advantage of physical layouts
2 of complexes, stationing armed look-outs in hallways
3 and on rooftops. Consequently, gang suppression
4 operations are dangerous and these dangers are not
5 always readily apparent to the public. However, I
6 assure you that the limited and brief disruption to
7 community life during a gang takedown is greatly
8 outweighed by the long-term improvement in community
9 safety the takedown provides. The results speak for
10 themselves, as you can see from two charts behind me.
11 When we do large take-downs shootings drop
12 precipitously. Right behind me is a chart in the 26
13 precinct in Manhattan following a gang takedown of
14 the Make it Happen Boys, Money Avenue, and Three-
15 Stacks Gang. Shootings over the next three years
16 dropped 50 percent in those three commands. The
17 second one, which is directly behind me details a
18 gang take-down in the Rockaways in the 100 and 101st
19 precincts. Shootings dropped over 40 percent in the
20 18-month period following the takedown of the Pop-on-
21 Site Gang. These dramatic declines in shootings did
22 not happen by accident. I'll point to the last
23 pictorial on my left which illustrates three broad
24 [sic] charts. The left is gang membership which has

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2 dropped roughly 50 percent in the last four years.
3 The middle one is shootings in New York City, and
4 that is through yesterday, a 35 percent reduction in
5 shootings in New York City, 2014-2018. And the last,
6 which I think all are compelling but especially when
7 taken together for context is the number of arrests
8 that are effected by the NYPD in New York City, and
9 that is also nearly a 40 percent decline in the last
10 four years. The level of arrests effected under our
11 Precision Policing is right currently a 26-year low
12 in New York City as these strategies take hold. In
13 addition, the Department follows up most large gang
14 takedowns with a five-point plan to prevent gangs
15 from re-establishing their footholds in the area, and
16 this is done in conjunction with our Neighborhood
17 Policing philosophy. The Department endeavors to
18 notify elected officials and community leaders about
19 the arrests. The Department strives to conduct
20 community meetings with information literature about
21 what has happened and what the gang members have been
22 charged with. Finally, the Department establishes
23 programs in the area to discourage our youth from
24 joining street gangs and holds jobs and resource
25 fairs to provide alternative paths. The Department

1
2 also leverages information acquired from social
3 media. Over the last decade, the use of technology
4 by street gangs and crews to facilitate their
5 criminal activities has exploded. This includes the
6 use of online social media platforms. Criminal
7 groups routinely turn to computers and the internet
8 to communicate, to coordinate activity, and to
9 recruit new members. The use of social media by
10 these groups can exacerbate conflicts and amplify
11 insults. Some social media posts among rival gangs
12 and crew members place a startling emphasis on
13 revenge attacks. Like public places, public social
14 media platforms are patrolled in a sense by trained
15 personnel in accordance with Department policies. We
16 monitor these public-facing platforms for
17 intelligence, enabling us to learn when gang disputes
18 are escalating with the goal of preventing violence
19 for all New Yorkers. I want to focus the remainder of
20 my remarks on one critical, though often
21 misunderstood element, of our gang strategy, the use
22 of NYPD's Criminal Group Database, or as some refer
23 to it as the "Gang Database." Information is
24 critical to modern policing and an invaluable tool
25 for detectives investigating crime. Critics claim

1 that the NYPD arbitrarily enters people into the
2 database who are not criminal group members. They go
3 further to claim that the database is an instance of
4 racial profiling and that people who are entered into
5 the database may suffer consequences even if they are
6 entirely innocent. Collecting data on members of
7 criminal organizations are nothing new. To dismantle
8 a criminal organizations you have to understand its
9 size, its scope, who its members are, and what crimes
10 each member has committed individually. Historical
11 data collection methods of organized criminal
12 organizations like the mafia have been well
13 publicized and glorified in motion pictures. The
14 data was not electronic then. It was stored in file
15 cabinets, index cards, and on display boards. Today,
16 we still track the membership of organized crime
17 groups, including members of Russian and Albanian
18 criminal organizations to name a few, as well as
19 motorcycle gangs, street gangs, and terrorist
20 organizations. The Criminal Group Database primarily
21 contains intelligence relating to street gangs
22 involved in violence. Organized crime outfits which
23 include gang and crews are not typically diverse
24 organizations. They are generally comprised of
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1 members of a single demographic group. Additionally,
2 as mentioned earlier, street gangs are
3 disproportionately involved in gun violence, and the
4 racial breakdown of our identified criminal group's
5 members almost exactly reflects the racial breakdown
6 of our shooting victims. I want to acknowledge one
7 significant issue that is present in many gang
8 databased in other jurisdictions, including a
9 previous iteration of ours, which was that once a
10 person was added into the database, they were
11 generally not removed. Databases like these have
12 been rightly criticized. Around 2014, senior
13 leadership in the NYPD performed a top-to-bottom
14 review of the entire Department, including a review
15 of the Department's Criminal Group Database. At that
16 point, over 34,000 people were entered without
17 protocols for removal. Much of the intelligence had
18 become old and had to be verified once again. The
19 Department realized it needed to establish procedures
20 to regulate the circumstances under which a person's
21 name would be entered into the database, as well as
22 criteria for removal. There are two paths by which a
23 person can be included in the Criminal Group
24 Database. The first path requires that one of the
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1 following occur: self-admission of gang membership to
2 a member of the Department, being identified as a
3 gang member by two independent reliable sources, or
4 social media post admitting to membership in a gang.
5 The second path requires two of the following to be
6 true: presence of a known gang location, possession
7 of gang-related documents, associated with known gang
8 members, social media posts with known gang members,
9 possessing known gang paraphernalia, scars, tattoos
10 associated with a gang, frequently wearing of the
11 colors and frequent use of hand signs associated with
12 particular signs [sic]. It is not enough for a
13 person to be in a gang location or to flash gang
14 signs or to wear gang colors on a certain day. These
15 actions must be consistent, a consistent course of
16 conduct. In fact, each of over 34,000 people who are
17 in the database were individually reviewed under this
18 criteria as we constructed a new database to replace
19 the existing. As a result, today, our Criminal Group
20 Database has approximately 17,500 individuals, almost
21 half of where it stood in 2014, and just over 500
22 criminal groups entered. Our goal is to make sure
23 everyone who is in the database-- our goal is to make
24 sure that everyone who is in the database is actually
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1 a gang member. We are in the area of Precision
2 Policing. Saturating the database with non-gang
3 members limits its usefulness. In addition, there
4 are a limited number of people who can recommend a
5 person be entered into the database, and we have
6 instituted oversight mechanisms to ensure that the
7 recommendation is backed up by evidence. Currently,
8 only a precinct field intelligence officer, a gang
9 detective, or an investigator in the Social Media
10 Analysis and Research Team may recommend that a
11 person be entered into the database. This is a formal
12 recommendation required in a written narrative in
13 supporting documentation that justify each
14 individual's inclusion. This recommendation is
15 reviewed by a supervisor in the Gang Squad who will
16 either approve or reject the recommendation, or
17 request additional analysis by the gang analysis
18 section before making a decision. This structure
19 creates oversight to ensure that multiple people who
20 have actual gang experience that a person should be
21 entered into the database. Furthermore, the
22 Department has created three avenues to exit the
23 database, reviewing each person every three years,
24 and on the 23rd and 28th birthdays to determine if
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2 their actions and records still warrant their
3 inclusion in the database. These safeguards are
4 robust. In the last four years we have removed over
5 3,700 entries from the database using these exit
6 ramps. Once a person is removed from the database,
7 the fact that they were once affiliated with a gang
8 is permanently hidden from the database. Unlike other
9 jurisdictions, entry into the database is not proof
10 of criminal behavior; it is a lead. It alone is not
11 grounds for a stop, an arrest, or any other
12 enforcement action. The database can only be
13 accessed by NYPD personnel. It does not show up in a
14 person's criminal history or rap sheet when that
15 person is fingerprinted. Information is not shared
16 with the New York City Housing Authority or employers
17 conducting background checks. So, housing and
18 employment eligibility cannot be affected. The
19 Department does not share that an individual is
20 included in the database with Immigration and Customs
21 Enforcement to be used to initiate deportation
22 proceedings, or affect these applications or
23 citizenship applications. New York State does not
24 permit civil gang injunction such as those routinely
25 utilized in California. Unlike most states, New York

1
2 does not have a sentencing enhancement for gang
3 members. Finally, New York does not have a statute
4 that makes it illegal merely for gang membership. A
5 person's presence in the NYPD's Criminal Group
6 Database simply does not have the collateral
7 consequences comparable to other jurisdictions. We
8 work diligently to ensure that we do not actually
9 ensnare innocent people into the database. The
10 numbers back this up. Ninety percent of our gang
11 members have been arrested for at least one felony.
12 Seventy-five percent have been arrested for at least
13 one index crime. Fifty percent have been arrested
14 for a robbery. In fact, the average person in the
15 database has been arrested 11 times, five of which
16 are felonies. Our gang members are responsible for
17 the murders of over 500 people, and have been
18 arrested for nearly 18,000 robberies. Already this
19 year we have arrested-- they have been arrested for
20 approximately 2,600 felonies. We also understand the
21 sensitivities around including juveniles in the
22 database, but this concern is misplaced. The average
23 age for the person in the database is 27 years of
24 age, while less than 2.5 percent of the people in the
25 database are under the age of 18. The database is a

1
2 vital tool for keeping the people of New York City
3 safe. We do not want to start at square one each
4 time one of these groups commits violence without
5 knowledge of who they are or their associates are.
6 When violence erupts between two groups, it is vital
7 for us to know who might retaliate and who is likely
8 to be targeted. Our goal is to try to diffuse the
9 situation and stop the violence. Plainly stated, it
10 would be irresponsible for the Department to not
11 track members of gangs. Cycle of incision can only
12 be interrupted with effective intelligence and
13 policing. This is where the help of our elected
14 officials and neighborhood leaders is critical to
15 bolster our work. Partnerships with community
16 stakeholders provides immense benefits. If the
17 people in our homes and in our neighborhoods are
18 positively influencing those who may be entangled in
19 the gang lifestyle, there is a greater likelihood
20 there will be a sustained effect on their behavior.
21 One of the most important concepts is informing our
22 work on gangs and crews. We saw strategic focus on
23 identifying crew members with the most influence over
24 their peers, and to distinguish them from the less
25 committed members how might benefit from education,

1 social services or other help to give them the
2 opportunity to change their lives before they get in
3 too deep. Knowing criminal group membership helps
4 guide our efforts to New York City Cease Fire to wean
5 young men and women away from gang life before it is
6 too late. When the NYPD's CompStat was launched
7 nearly 25 years ago we pledged to be relentless until
8 New York City is in fact the safest city in America.
9 This applies to all communities and neighborhoods in
10 our city. For the NYPD, it will never be an
11 acceptable state of affairs for people to have to
12 dodge bullets from rival gang members while walking
13 down the street or for kids growing up in a block to
14 be exposed to deadly violence by heroin dealers
15 fighting over turf. While the curtailment of violent
16 gangs has been a significant contributing cause of
17 the sustained productions in crime in New York City,
18 stubborn persistence of this criminal activity
19 requires constant focus and evaluation of our
20 strategy and a commitment to working with our
21 partners in law enforcement as well as with the
22 community and local social service providers.
23 Together, we can focus on those who are really
24 driving crime while offering help and protection to
25

1
2 those who are suffering and feeling besieged. Thank
3 you for the opportunity to testify today. My
4 colleagues and I would be happy to answer any
5 questions that you may have.

6 CHAIRPERSON RICHARDS: Thank you, and
7 we've been joined by Council Members Brannan, Ampry-
8 Samuels, Barron, Cumbo, and Deutsch. So, let's just
9 go back through the numbers again. How many people
10 are currently reflected in the database?

11 CHIEF SHEA: So, I could tell you the
12 prepared testimony mentioned 17,500. If we want to
13 be up-to-the-minute, it's slightly down as of this
14 morning, 17,441 when we checked before coming over
15 here.

16 CHAIRPERSON RICHARDS: And what lead to
17 the 200-odd people coming?

18 CHIEF SHEA: That's a reduction of 59
19 from 17,500 to 17,441, and that's just a moving
20 number, people going in and out on a day, daily
21 basis.

22 CHAIRPERSON RICHARDS: And can you go
23 through what's the racial breakdown of the database?

24 CHIEF SHEA: Sure, the racial breakdown,
25 unfortunately, is extremely disparate, and it almost

1
2 exactly mirrors our gun violence shooting breakdown
3 in New York City. By race: African-American, 65
4 percent; White Hispanic, 24 percent; Black Hispanic,
5 10 percent. When you add up those, 87-- it's
6 approximately 95 percent people of color.

7 CHAIRPERSON RICHARDS: Okay.

8 CHIEF SHEA: Which again mirrors the
9 database which really was created to combat the
10 scourge of gang and crew street violence in New York
11 City.

12 CHAIRPERSON RICHARDS: And what would you
13 say to those, again, who say these sort of statistics
14 mirror "Stop and Frisk?"

15 CHIEF SHEA: when you look at the
16 shooting violence in New York City, and you look at
17 the individuals, and I'm talking on either side of
18 the gun, unfortunate reality, but it is the reality
19 in New York City. It is roughly 95 percent. It's
20 well over 90 percent of the individuals involved
21 either getting shot or getting arrested for violence.

22 CHAIRPERSON RICHARDS: And crime is at a
23 historic low.

24 CHIEF SHEA: Correct.
25

1
2 CHAIRPERSON RICHARDS: Right. So, on an
3 average, you know, out of these 7,441 individuals,
4 how many of them are committing crimes on a daily
5 basis?

6 CHIEF SHEA: So, some interesting
7 statistics when you look at-- and I included this
8 slide, because I think the context is very important.
9 The racial breakdown is well noted, but the shootings
10 in New York City are at an all-time low last year,
11 which is great. They're down an additional five
12 percent.

13 CHAIRPERSON RICHARDS: And how many
14 shootings this year?

15 CHIEF SHEA: we finished last year at
16 789. If you look at the slide on the left, 290 was
17 of yesterday. It's up to about 292, which is about
18 20 shooting incidents fewer at this point as compared
19 to last year. So, that's the good news.

20 CHAIRPERSON RICHARDS: And out of the
21 292, how many of these shootings this year are-- how
22 many of the individuals who engage in these shootings
23 were in the database?

24 CHIEF SHEA: In the database?

25 CHAIRPERSON RICHARDS: Yes.

1
2 CHIEF SHEA: I'd have to get you the
3 exact. What I could tell you is that roughly-- is it
4 depends on how you define in the database. Is it
5 somebody that's on the block getting shot at, but
6 they're not the person shot, etcetera. I think to
7 summarize it well, which paints a clear picture, if
8 you look at the last four to five years, which I'm
9 comfortable in telling you the statistics, it's
10 roughly 50 percent of the shootings that occur in New
11 York City are gang-related, roughly 50 percent. It
12 may be a little less. It may be a little more.

13 CHAIRPERSON RICHARDS: So, out of thee
14 292, you're saying at least half of them you're
15 saying today are related to gang violence, or are you
16 unsure? And it's okay if you don't have--

17 CHIEF SHEA: [interposing] Today--

18 CHAIRPERSON RICHARDS: [interposing] I'd
19 rather you be clear.

20 CHIEF SHEA: No, I'll be very-- I have
21 intimate knowledge with these statistics. So, each--

22 CHAIRPERSON RICHARDS: [interposing] Okay,
23 so if you could get us--

24 CHIEF SHEA: year it's roughly 50 percent.
25 As we stand here today, it's about 41 percent

1
2 currently, but that number will move. The reason
3 that number moves is as we get more information about
4 what happens, as we start to get collaborating
5 evidence, and people sometimes lie to us that are
6 involved in shootings. We know that that number will
7 move towards the mean. In effect, it will move
8 toward that 50 percent, and that 50 percent number is
9 a low mark. We simply, unfortunately-- we have a lot
10 of success, and the very positive news is that we're
11 at an all-time low in shootings because of some of
12 these strategies, and we're down five percent in
13 addition to that this year. But the reality is that
14 we don't close every shooting, and there are simply
15 some shooting incidents that take place that we don't
16 know the cause, and my professional opinion would be
17 a number of those would be gang-related if we had all
18 the facts.

19 CHAIRPERSON RICHARDS: So, let's speak
20 more sci-- we want to hear more scientific--

21 CHIEF SHEA: [interposing] So, at least 50
22 percent.

23 CHAIRPERSON RICHARDS: rather than
24 thought. Can you go through criteria of what the
25

1
2 NYPD uses to determine who belongs in the database
3 again?

4 CHIEF SHEA: Yeah. The first criteria is
5 self-admission, and some are surprised at that one
6 that somebody would self-admit, but I could tell you
7 that the-- when we look at the people in our
8 database, I don't have an exact number, because
9 there's overlap. Many people self-admit and there's
10 other criteria. But when you look at social media
11 today, people are not hiding the fact that they're in
12 gangs. People self-admit to us every day in New York
13 City. So, self-admission will get you in the
14 Criminal Group Database.

15 CHAIRPERSON RICHARDS: So, let me get
16 this right. So, I'm standing at the store and an
17 officer pulls up and maybe perhaps I'm smoking
18 marijuana, and I self-admit that I'm in a gang to a
19 police officers. So, does the police officers or
20 patrol officer perhaps ask, "Are you in a gang?" and
21 people just willingly answer that question?

22 CHIEF SHEA: I would-- that is not
23 generally what happens. What generally happens is
24 during the course of an investigation.

1
2 CHAIRPERSON RICHARDS: Now, I don't want
3 to go through investigation, because not everybody
4 who's entered in the database is necessarily in an
5 investigation. I think your testimony pointed out
6 that, you know, entry into the database is not proof
7 of criminal behavior, which leads me to believe that
8 not everybody being entered is engaged in criminal
9 behavior. Would you deem that true?

10 CHIEF SHEA: I think you would have to
11 slice those facts a little closer.

12 CHAIRPERSON RICHARDS: Okay.

13 CHIEF SHEA: The mere fact that you are
14 in the database does not by itself make you
15 susceptible to criminal prosecution. However, that
16 does not necessarily mean that we are not looking at
17 the individuals in that database for separate, un-
18 related criminal activities.

19 CHAIRPERSON RICHARDS: So, how many
20 people are in the database who are currently have
21 exhibited no criminal behavior?

22 CHIEF SHEA: Virtually none.

23 CHAIRPERSON RICHARDS: But in your
24 testimony you said--

25 CHIEF SHEA: [interposing] In fact,--

1
2 CHAIRPERSON RICHARDS: "Unlike in other
3 jurisdictions, entry into the database is not proof
4 of criminal behavior."

5 CHIEF SHEA: That's correct. And there
6 are some jurisdictions across the country where in
7 stipulations it's almost treated as an exclusionary
8 fact that if you are in a database and you are in a
9 particular area, you could be susceptible to criminal
10 prosecutions. Those laws are not on the books in New
11 York State.

12 CHAIRPERSON RICHARDS: Right. So, you
13 said-- so let's finish going through how you get
14 entered. So, you spoke of self-admission.

15 CHIEF SHEA: Self-admission, you could
16 self-admit on social media, which also is frequent.
17 You could be put into the Criminal Group Database by
18 information coming to the NYPD from two separate
19 verified sources, collaborated independent of each
20 other. Those are the majority of cases. Then you get
21 into categories such as possession of gang
22 literature, having gang tattoos, flying gang colors,
23 being at a gang location, associating with other gang
24 members. When you have situations such as those, I
25 want to be clear, it is possible when you have two of

1
2 those for a member of the NYPD to submit somebody for
3 entry into the Criminal Group Database. I would--

4 CHAIRPERSON RICHARDS: [interposing] So,
5 if I'm standing at a corner store with the color reds
6 on, and it's a known color red, and it's a known gang
7 location, I could be entered into that database.

8 CHIEF SHEA: It is possible; however,
9 that is one set of factors that'll be collaborated.

10 CHAIRPERSON RICHARDS: So, if Council
11 Member Richards went to his local bodega, which could
12 be a gang--

13 CHIEF SHEA: [interposing] Yep.

14 CHAIRPERSON RICHARDS: I mean, how are
15 these locations selected? So, if I go to the store
16 today with my blue Yankees cap on and blue jeans and
17 white sneakers, and I buy a bagel, and I'm hanging
18 out outside, would I be entered as a Crip, or how
19 would that-- how-- so, it's feasible that I could be
20 entered into the--

21 CHIEF SHEA: [interposing] I suspect that
22 you wouldn't be entered at all, and the reason for
23 that is because those are two criteria that we look
24 for, that we can-- we "can" is the key word. I will
25 tell you definitely, while the population of the

1
2 current Criminal Group Database is 17,441 before I
3 walked over here from One Police Plaza, that number
4 could be much larger.

5 CHAIRPERSON RICHARDS: Right.

6 CHIEF SHEA: The reality is, there are
7 many more gang members in New York City, but as the
8 numbers on my left demonstrate, we have cut the
9 population by roughly 50 percent in the Criminal
10 Group Database, because we do not enter every single
11 person that fits the criteria. We look at that as
12 one set of data that we take in conjunction with
13 other factors that we've realized, such as your
14 involvement in criminal activity when we make
15 informed decisions on who we enter into that
16 database.

17 CHAIRPERSON RICHARDS: Can you go
18 through? So, two independent and reliable sources?
19 And I don't anticipate you to give up all your
20 sources, but who would these two reliable-- are they
21 confidential informants? Who would be reliable
22 sources?

23 CHIEF SHEA: It could be a confidential
24 informant. It could be the member's parent, which
25 happens. It could be a teacher. It could be people

1
2 that live on the block and could be a crime victim if
3 we can substantiate it. There's many different
4 examples.

5 CHAIRPERSON RICHARDS: So, you said a
6 teacher, too? So, the NYPD--

7 CHIEF SHEA: [interposing] I said teacher-

8 -

9 CHAIRPERSON RICHARDS: would speak to a
10 teacher?

11 CHIEF SHEA: I said teacher. I said
12 parent. There's no small example of where that could
13 come from. It could come from many sources. I could
14 give you an example where we have an incident in the
15 school and somebody is arrested, and this is
16 hypothetical, and we respond to the school, make an
17 arrest on a stabling. If the teacher were to say to
18 us there were statements made and he's in a gang, we
19 would take that into consideration like we would any
20 other information.

21 CHAIRPERSON RICHARDS: Where does the
22 criteria exist now, and how are officers trained in
23 identifying gang members?

24 CHIEF SHEA: Yeah. So, this is not for
25 officers, per say. The only people that are making

1
2 submissions here are gang members assigned to gang
3 within the NYPD or our Intelligence Officers, and
4 most widely known is the Field Intelligence Officers
5 that are assigned to every precinct.

6 CHAIRPERSON RICHARDS: And how many
7 people in the-- so, how many people-- can you break
8 down what the staffing looks like?

9 CHIEF SHEA: Well, for example, the FIOs
10 are assigned to every precinct in New York City,
11 every Transit District and every housing development.
12 So, that's roughly 100 Field Intelligence Officers,
13 those sergeants.

14 CHAIRPERSON RICHARDS: And can you break
15 down by borough what that looks like?

16 CHIEF SHEA: The--

17 CHAIRPERSON RICHARDS: [interposing] Or by
18 precinct on average how many are in each precinct?

19 CHIEF SHEA: Every office-- every
20 precinct has one Field Intelligence Sergeant.

21 CHAIRPERSON RICHARDS: And with one Field
22 Intelligence Officer, they're able to-- I would
23 assume that--

24 CHIEF SHEA: [interposing] So--
25

1
2 CHAIRPERSON RICHARDS: Can you give an
3 average of how many individuals? Say you have, I
4 don't know, 100 people from one particular
5 neighborhood, so that one--

6 CHIEF SHEA: [interposing] Yeah.

7 CHAIRPERSON RICHARDS: field person would
8 be in charge of identifying over 100 of these
9 individuals in the database?

10 CHIEF SHEA: Just to be clear--

11 CHAIRPERSON RICHARDS: [interposing] So,
12 no patrol officers are engaged in--

13 CHIEF SHEA: [interposing] To be clear,
14 to be clear on the process, we have Field
15 Intelligence Officers, we also have dedicated gang
16 teams that work in every borough. So, you'll have
17 individuals that are working on cases.

18 CHAIRPERSON RICHARDS: Alright, let's not
19 go-- so, if you can give a breakdown of what the
20 units size is, is what I'm--

21 CHIEF SHEA: [interposing] We could cert--
22 on the gang or on the intelligence?

23 CHAIRPERSON RICHARDS: Both, both.

24 CHIEF SHEA: Alright. I think I've
25 answered that. On the intelligence side there's one

1 sergeant assigned to every precinct, PSA, and Transit
2 District, and that comes out to roughly 100 citywide.
3 And then when you move onto the gang side of the
4 equation, much larger numbers. You could have-- I
5 have to get back to you with exact numbers, but you
6 could have 25 to 50 members, and that's an
7 approximation, in a borough assigned to the gang
8 deployment. Those members, together with the
9 intelligence officers, are tasked with the
10 responsibility. That is why they exist, to
11 investigate gangs. They collect the intelligence.
12 They have a process in place where they submit the
13 intelligence in a case management system. It is
14 reviewed and signed off by a supervisor, and that is
15 how somebody would be entered into the Criminal Group
16 Database.

18 CHAIRPERSON RICHARDS: And how many
19 supervisors are there?

20 CHIEF SHEA: Same thing. That falls
21 within the 25 to 50.

22 CHAIRPERSON RICHARDS: Twenty-five to 50
23 citywide.

24 CHIEF SHEA: In each borough. No, in
25 each borough.

1
2 CHAIRPERSON RICHARDS: So, 25 to 50 in
3 each borough.

4 CHIEF SHEA: So, Bronx Gang Squad will
5 have roughly 25 to 50. The number fluctuates. We can
6 get back to you with the exact process [sic].

7 CHAIRPERSON RICHARDS: Can you give me a
8 breakdown on persons in the database who are between
9 the ages of 10 and 14, and also 15 and 21, and how
10 many are currently in a database who are 21 and
11 older?

12 CHIEF SHEA: Yeah, okay. So, just the
13 overall context is roughly 17,500, just under. If
14 you could repeat the ages?

15 CHAIRPERSON RICHARDS: Between 10 and 14?

16 CHIEF SHEA: Alright, the youngest person
17 currently in the database is 13.

18 CHAIRPERSON RICHARDS: So, you have no
19 one 10, 11 or 12?

20 CHIEF SHEA: That is correct.

21 CHAIRPERSON RICHARDS: Okay.

22 CHIEF SHEA: And that's not surprising.
23 There's currently 17 individuals that are the age of
24 13. There are 80 that are the age of 14. There are
25 204 the age of 15, 455 the age of 16. You see the

1
2 older it gets larger. And at the age of 17 there is
3 704 citywide. I won't add those up, but what I will
4 tell you is, individuals in that database that
5 comprise the 17,000 roughly 500, when you look at the
6 totality of under 18 years of age, is two percent.

7 CHAIRPERSON RICHARDS: Right. Now, there
8 are other--

9 CHIEF SHEA: [interposing] The average age
10 is roughly 27.

11 CHAIRPERSON RICHARDS: Now, there are
12 other jurisdictions that have played with
13 notification of parents. Have the NYPD entertained
14 that? Do you notify parents if their children as
15 minors are entered into the database?

16 CHIEF SHEA: So, I think that-- do we--
17 you have to slice that question, too. What I would
18 say is that there are many occurrences on a daily
19 basis, and I'll let Chief Harrison expand on this in
20 a minute, there are many occurrences on a daily basis
21 throughout New York City when members of the NYPD are
22 working with community, parents, etcetera, trying--

23 CHAIRPERSON RICHARDS: [interposing] No,
24 but I'm asking about--

25 CHIEF SHEA: to keep people out of gangs.

1
2 CHAIRPERSON RICHARDS: a formal, formal
3 notification to parents.

4 CHIEF SHEA: Yeah, the second part of--

5 CHAIRPERSON RICHARDS: [interposing]
6 Especially for minors.

7 CHIEF SHEA: Right. The second part of
8 what I was going to say is for specific inclusion of
9 these membership, there is no formal notification
10 process, but I'll let Chief Harrison expand on it.

11 CHIEF HARRISON: Good morning. Rodney
12 Harrison, Chief of Patrol. So, one of the things
13 that we've had in place for quite a while is constant
14 dialogue with the many community based organizations
15 regarding gang awareness, and now that we have
16 neighborhood policing and we have neighborhood
17 coordination officers, one of their tasks is to make
18 sure that we bring awareness to the different
19 educational institutions, the different community-
20 based organizations, the religious institutions of
21 things that are maybe going on where the youth are
22 either in a gang or being recruited for a gang. So
23 we really have dialed in to making sure that our
24 offices are one step ahead of these problems that are
25 going on, especially in our communities of color, to

1
2 make sure that they narrow in to notify the parents
3 and the concerns that are going on on a daily basis
4 regarding the gangs, the crews, and just awareness
5 just to make sure that, you know, that their families
6 and their loved ones are not participating in some of
7 these gang issues.

8 CHAIRPERSON RICHARDS: Let's go back
9 through some of your stats one more time, and I have
10 concerns with parents certainly not being notified,
11 and what does interagency coordination look like?
12 So, if you find out a minor has-- is gang affiliated,
13 you know, are there-- has there been any coordination
14 among agencies such as DYCD and others to really do
15 some preventative work around it? You know, one of
16 the things we should strive for is prevention as
17 well, and if we can catch some of these young people
18 before 18, we should certainly try to do that so
19 that, you know, they're not caught up in the criminal
20 justice system. I don't expect for you to be social
21 workers, but I think the City needs to think of a
22 broader plan on how to address some of these
23 individuals who are under 18. And would you agree,
24 notification to parents may serve as a deterrent?
25 You know, I was always scared of my mom, you know.

1
2 So, the question is, do you think notification could
3 be a deterrent in some of the cases for some of these
4 individuals who you presume are gang members or gang-
5 affiliated?

6 CHIEF HARRISON: We don't have a
7 notification process in place, but we do work with
8 the different agencies. Once again, as Department of
9 Education we're going into the schools to talk about
10 some of the gang issues that are going on. So there
11 is awareness. We're going right to the kids and
12 talking about some of the problems that are going on
13 within their neighborhoods, within their communities,
14 about some of these gang issues, as well as
15 identifying-- making the teachers aware of some of
16 these issues that are going on as well. So, if they
17 get information that they can pass it on as well.

18 CHAIRPERSON RICHARDS: But what I'm
19 looking at, and I know precincts have Youth Officers.
20 How many Youth Officers out there?

21 CHIEF SHEA: I was just going to--

22 CHAIRPERSON RICHARDS: [interposing] So,
23 what are their jobs and what are they specifically
24 doing, and how many people are staffed within the--
25 how many Youth Officers are located-- I mean, are in

1
2 the NYPD now, and should we rethink a strategy about
3 making sure that we hire more or put more resources
4 there to help some of these individuals before they
5 get into--

6 CHIEF SHEA: [interposing] Yeah, and I
7 echo your concern on the involvement of the parents.
8 So, just to be clear, the members are in the Gang
9 Database, and we're speaking about the two percent
10 that's under the age of 18 and the notification
11 process if it exists in terms of notifying parents.
12 Not to the specific fact that somebody is included in
13 this database, and it's a balance of working
14 investigations. But that's not to make it appear
15 that there is no interaction with parents, and
16 nothing could be further from the truth, and you took
17 the words out of my mouth with the Youth Officers.
18 Every precinct has, I believe, two Youth Officers
19 that are anytime a youth, a child, is involved in
20 some act, if that act may be a crime if they were
21 adult, there is a referral process, if you will, and
22 there is an interaction with the parents. So, the
23 parents are well aware and working very close on the
24 patrol side, in housing, in precincts throughout New
25 York City to work with the parents, make them aware

1
2 of the actions so that they never get involved in the
3 criminal justice system. So, that is occurring.
4 There is an overlap here with, you know, you have the
5 gang, criminal group database, just because we don't
6 specifically have a process to notify somebody that
7 inclusion in this database you are notified. We are
8 working hand-in-hand with parents and social workers
9 all through New York City to try to keep kids on the
10 right path, and that's behind a lot of the success we
11 have with the Precision Policing. Unfortunately, we
12 do have situations where kids as young as 14, 15 are
13 involved in some pretty serious incidents. So,
14 that's that balance of notifications and how we
15 handle that.

16 CHIEF HARRISON: And if you don't mind, I
17 just want to piggyback of what Dermot was saying.
18 Our Youth Officers do sometimes notify the parents,
19 and unfortunately sometimes may not have the mother
20 that you might have had that would put a foot up your
21 behind. Sometimes, some of these youth don't listen
22 to their parents, and that seems to be one of the
23 struggles that we find sometimes. So we have to find
24 ways to work with the different agencies to get these

1
2 parents help to get these kids out of these
3 problematic crews or gangs.

4 CHAIRPERSON RICHARDS: And I just want to
5 correct, I think you said they account for two
6 percent, people under-- individuals under 18, I
7 think--

8 CHIEF SHEA: [interposing] 2.5 percent.

9 CHAIRPERSON RICHARDS: Looks like more
10 like eight percent I think when we do the numbers.
11 So, we may want to just do the math--

12 CHIEF SHEA: [interposing] No, the
13 difference--

14 CHAIRPERSON RICHARDS: Maybe they can do
15 it--

16 CHIEF SHEA: [interposing] No, I can
17 clarify that, 2.5 percent of the people in the
18 database are less than the age of 18. There are
19 people that went in, and that's where that eight
20 percent number comes in. At the time they went into
21 the database they might have been 18, under 18, but
22 they are not now. So you have-- and we could come up
23 with different numbers and slice it different ways.

24 CHAIRPERSON RICHARDS: Okay, we could do
25 it. And let's go through-- so you spoke of 90

1
2 percent of gang members have been arrested for at
3 least one felony, 75 percent have been arrested for
4 at least one index crime, and 50 percent have been
5 arrested for at least one robbery [sic]. Can you
6 speak of conviction rates? Because just because
7 you're arrested doesn't necessarily mean that you
8 committed the crime. So what do your conviction
9 rates look like?

10 CHIEF SHEA: We would have to get back to
11 you, and the valid reason for that is now you're into
12 the area of when you speak individual people,
13 youthful offenders, juvenile delinquents, it's a
14 murky road that we would have to get back to you.

15 CHAIRPERSON RICHARDS: But I'm just-- I'm
16 interested in what the--

17 CHIEF SHEA: [interposing] But I'd confer
18 with legal.

19 CHAIRPERSON RICHARDS: success rate looks
20 like. So, if you're going to say that 50 percent of
21 the people within a database have been arrested for
22 at least one robbery, you know, how many of them
23 actually have been convicted? So, I think we're just
24 looking for a little bit more clarity, you know, on
25 that. Let's go through, and I want to get to my

1
2 colleagues because they have questions, and I'll come
3 back. Who outside the Department has access to the
4 database?

5 CHIEF SHEA: Outside of the NYPD?

6 CHAIRPERSON RICHARDS: Outside of the
7 NYPD.

8 CHIEF SHEA: No one outside the NYPD has
9 access.

10 CHAIRPERSON RICHARDS: So, there's no
11 shared databases.

12 CHIEF SHEA: No one outside the NYPD, to
13 my knowledge, has access to this.

14 CHAIRPERSON RICHARDS: To your knowledge,
15 so is that a yes or no?

16 CHIEF SHEA: That's a consistent answer.
17 No one outside the NYPD, to my knowledge, has access
18 to this database.

19 CHAIRPERSON RICHARDS: And tell me about
20 your interactions with District Attorneys? So, if
21 someone perhaps is arrested for unrelated conduct to
22 gang violence, would you alert the District Attorney
23 that they're in a database? Does the District
24 Attorney, you know, ask questions?
25

1
2 CHIEF SHEA: Absolutely. Absolutely. I-
3 - on a daily basis we interact with the District
4 Attorneys throughout New York City as well as Special
5 Narcotics part and Federal Prosecutors as part of our
6 Precision Policing to be more efficient, to make
7 arrests that have lasting impacts under the umbrella
8 of Precision Policing which has delivered a 26-year
9 low in arrests with unprecedented crime and violence
10 declines. So, as part of that, in daily
11 conversations with prosecutors, we want to supply
12 them with as much information as possible relevant to
13 a case.

14 CHAIRPERSON RICHARDS: But relevant to a--

15 CHIEF SHEA: [interposing] In terms of
16 evidentiary value.

17 CHAIRPERSON RICHARDS: And I don't want
18 to discount, take away from, certainly if there's a
19 gang nexus and there has to be information, but I
20 want to focus a little bit more on a low-level
21 offense. So, if I'm caught smoking marijuana, is
22 that a question that would be raised by a District
23 Attorney to you?

24 CHIEF SHEA: Absolutely not. I mean,
25 pro-form, smoking marijuana arrest is literally no

1
2 conversation between an arresting officer and a DA
3 because it's well-known that the arrest will be ACD'd
4 almost immediately.

5 CHAIRPERSON RICHARDS: Okay, so there's
6 no--

7 CHIEF SHEA: [interposing] So, the reality
8 is there's no effort on our part of-- it would be
9 wasted resources, in my opinion, to try to extract
10 more from that arrest, because there's nothing to
11 extract.

12 CHAIRPERSON RICHARDS: Let me go through
13 the ages again. So, let's go through purging of your
14 system. So, in your testimony you speak of on 23rd
15 and 28th birthdays you determine if people should
16 remain in the database, correct?

17 CHIEF SHEA: There's three that I
18 mentioned, and there's one very important one that's
19 not mentioned. On the 23rd and 28th birthday there is
20 an automated process set up where a que, essentially,
21 that individual will be interred into the que where
22 there is a forced review by a supervisor. The other
23 one that I mentioned was every three years that
24 occurs. If nothing has happened in three years, that
25 happens, regardless of what your birthday is. But

1
2 besides those automated processes that go and feed a
3 que which sets up a review process, and that review
4 process I feel you can always look at processes and
5 can it be better, can there be improvements made, but
6 that review process which historically did not exist
7 is resulting in nearly as many people coming out as
8 going in this year. So, that's interesting to me.

9 CHAIRPERSON RICHARDS: So, there's
10 something special about your 23rd and 28th birthday,
11 or-- I mean, why those numbers?

12 CHIEF SHEA: Well, it's not just those
13 numbers, though. It's also--

14 CHAIRPERSON RICHARDS: [interposing] And
15 what if you're 18? I mean, would you remain in it
16 until you're 23, or--

17 CHIEF SHEA: [interposing] So, yeah.

18 CHAIRPERSON RICHARDS: if you're a minor?

19 CHIEF SHEA: That's a good question. So,
20 every three years you'll be reviewed. This is just
21 the automated piece.

22 CHAIRPERSON RICHARDS: Automated que.

23 CHIEF SHEA: What's not automated is,
24 there is absolutely no prohibition from us learning
25 about an individual in terms of the individual, we

1
2 know them, we've entered, we've worked with them,
3 they've worked with the youth officer, they're no
4 longer affiliated with the gang. So, the non-
5 automated pieces, anyone, regardless of their age,
6 can be taken out of the database.

7 CHAIRPERSON RICHARDS: So, you said you
8 review every three years, and what if there's-- you
9 know, perhaps you haven't been engaged in anything in
10 a year. So you-- is there a process to eliminate
11 people out of the system before? Or is-- you know,
12 is three years--

13 CHIEF SHEA: [interposing] It's three
14 years--

15 CHAIRPERSON RICHARDS: [interposing]
16 You're trying to corroborate.

17 CHIEF SHEA: if we haven't had
18 essentially,-- I would paraphrase it to my words,
19 "contact with you." If the gang detective has come
20 across an individual in a criminal group database,
21 whether it's through an investigation or they've been
22 arrested, or they've learned new intelligence, that
23 is occurring, and that by itself is a review. If we
24 have not come across you, there's no new information
25

1
2 in three years, automated que sets up and you will be
3 reviewed.

4 CHAIRPERSON RICHARDS: And would it be--

5 CHIEF SHEA: [interposing] Can that be
6 modified? It absolutely can--

7 CHAIRPERSON RICHARDS: [interposing] Yeah,
8 and what's the rationale behind three years? I mean,
9 does three years-- why three years, I'm interested in
10 knowing? Why not before?

11 CHIEF SHEA: Why not-- Well, I think we--

12 CHAIRPERSON RICHARDS: [interposing] Why
13 not a year? Why not two years?

14 CHIEF SHEA: I think we could
15 rhetorically ask that about any age. That's the age
16 that was set up when the process was--

17 CHAIRPERSON RICHARDS: [interposing] No,
18 no, I don't want to talk about ages, but I think you
19 said three years--

20 CHIEF SHEA: [interposing] Yep.

21 CHAIRPERSON RICHARDS: you would look
22 again, right? So, over the course of three years.

23 CHIEF SHEA: If--

24 CHAIRPERSON RICHARDS: [interposing] Why
25 not a year? Why not two years?

1
2 CHIEF SHEA: If the individuals has had
3 not any contact with us.

4 CHAIRPERSON RICHARDS: Within three
5 years, or three years you're looking again?

6 CHIEF SHEA: If an individuals is
7 arrested, summonsed, stabbed--

8 CHAIRPERSON RICHARDS: [interposing] So,
9 they would--

10 CHIEF SHEA: in an incident involving gang
11 activity, they're going to be reviewed, period. If
12 we have an individual in that Criminal Group Database
13 that we have not had contact with in a three-year
14 period, they will be reviewed. Part of that--

15 CHAIRPERSON RICHARDS: [interposing] So,
16 the question is can they be removed prior to three
17 years?

18 CHIEF SHEA: They can be-- they could be
19 taken out the day after they were put in if that was
20 appropriate.

21 CHAIRPERSON RICHARDS: Okay. So, that's--

22 CHIEF SHEA: [interposing] There's no
23 requirement to wait three years.

24 CHAIRPERSON RICHARDS: Okay, got it.
25

1
2 CHIEF SHEA: That was the second part of
3 my discussion where-- but that's not an automated
4 process.

5 CHAIRPERSON RICHARDS: Okay. So how
6 often does that happen?

7 CHIEF SHEA: I have total numbers in
8 terms of who has come out, breaking down by the why
9 they came out. How many as per each, I don't have
10 broken down in front of me, but I can tell you when
11 this was printed, and this was printed on June 5th of
12 this year-- as of June 5th in 2018, 1,045 have been
13 taken out this year alone.

14 CHAIRPERSON RICHARDS: One thousand--

15 CHIEF SHEA: Forty-five. That makes in a
16 four-year period, 3,737.

17 CHAIRPERSON RICHARDS: And when-- so, you
18 still have 17,000-odd people.

19 CHIEF SHEA: Seventeen thousand--

20 CHAIRPERSON RICHARDS: When is the next
21 review period?

22 CHIEF SHEA: I'm not sure I understand
23 the question.

24 CHAIRPERSON RICHARDS: When will the next
25 purge come? I mean, so--

1
2 CHIEF SHEA: [interposing] That's a daily
3 process. That's why the number changes every day.

4 CHAIRPERSON RICHARDS: Okay. I'm going
5 to come back for questions--

6 CHIEF SHEA: [interposing] As information
7 comes to our investigators, detectives. So, people
8 will go in. People will come out, and that's a
9 process. Again, it's worth repeating again. On
10 prior iterations of a "gang database" that existed,
11 and I'm going back-- I don't want to hold it to an
12 exact year, but if you went back to 2011 and you
13 looked, the numbers in the database were much larger.
14 There was no firm process. That's an improvement
15 that was put in place roughly 2014, maybe 2013. I'd
16 like to think it's having a good impact. When you
17 look at the size of the database, it's half of what
18 it used to be. When you look at the resume, if you
19 will, I think we're concentrating by in large on the
20 people that we should be concentrating on. The cases
21 that we're bringing to the District Attorneys that
22 are all pre-indicted are having a very positive
23 impact for the people of New York City.

24 CHAIRPERSON RICHARDS: I'll give my
25 opinion a little later, but I think the criteria are

1
2 a bit loose, and I think based on, you know, people
3 going into the database who can easily-- I mean, if
4 you live in certain neighborhoods there could be gang
5 activity, and I think any neighborhood in New York
6 City, not just black and brown neighborhoods, but
7 anyone can walk through a store with a blue cap on--

8 CHIEF SHEA: [interposing] Yep.

9 CHAIRPERSON RICHARDS: stand outside and
10 eat a bagel and associate with individuals who they
11 grew up with and be put into this database, and then
12 perhaps, you know, they might have thrown up a sign
13 in a social media post that may mean very little and
14 still be associated and put into this database. So--

15 CHIEF SHEA: [interposing] If I could
16 just--

17 CHAIRPERSON RICHARDS: Are you confident
18 that all 17,000 people you have-- over 17,000 people,
19 you have in this database right now are gang members?

20 CHIEF SHEA: Oh, I am confident. Let me
21 just say--

22 CHAIRPERSON RICHARDS: [interposing] So,
23 all 17,000, and so, this is a mistake-free system;
24 There's no room for anyone to be within this
25 database--

1
2 CHIEF SHEA: [interposing] I am confident.

3 CHAIRPERSON RICHARDS: who has not been
4 engaged?

5 CHIEF SHEA: I am confident that we have
6 sound procedures in place for inclusion into the
7 database. I will say--

8 CHAIRPERSON RICHARDS: [interposing] So,
9 it's a 100 percent perfect. NYPD is making--

10 CHIEF SHEA: [interposing] I always strive
11 for 100 percent.

12 CHAIRPERSON RICHARDS: no mistake?

13 CHIEF SHEA: I will say that-- when you,
14 you gave the example several times of the individual
15 with the blue hat. Because you fit that criteria
16 does not necess-- this is an important fact-- does
17 not mean that we are entering that individual into
18 the database. As I stated earlier, the unfortunate
19 reality of New York City, and this is not unique to
20 New York City, is there are issues with gang's
21 involvement for a variety of reasons. The number of
22 people that we put, enter into that database, I am
23 here telling you could be significantly higher. We
24 are not scouring the internet looking for kids
25 flashing signs. You have to look at it from reverse.

1
2 What we're doing is we're investigating criminal
3 activity through New York City on a daily basis, and
4 we're doing our best to keep New York City the safest
5 big city in America. During the course of looking at
6 criminal incidents that are occurring, we are coming
7 across individuals that are tied to those crimes, and
8 when they fit that criteria, then they are entered
9 into the database.

10 CHAIRPERSON RICHARDS: Yeah, and I'll
11 just--

12 CHIEF SHEA: [interposing] There's two
13 diametrically opposite points of view.

14 CHAIRPERSON RICHARDS: Right. And, you
15 know, we respect the work you do and we appreciate
16 it, and I think all of us want safe communities. We
17 don't want gangs--

18 CHIEF SHEA: [interposing] Agreed.

19 CHAIRPERSON RICHARDS: you know, running
20 our communities. I don't think whether it's the
21 advocates, whether it's us, but there is a level of
22 surveillance happening, and you know, we should just
23 be clear about that. We're surveilling people on
24 social media who may just take a picture with an
25 individual or may be related to an individual and may

1
2 live in a particular neighborhood, and entering them
3 into that database. And you know, I think we have
4 ways to go, and I think this is obviously a national
5 conversation that's happening for the same reason. It
6 seems to be that the same communities, you know,
7 whether it's "stop and frisk," whether it's
8 surveillance of being over-policed to a great degree
9 when you look at particular programs. And I don't
10 want to take away from some hard truths here. There
11 are-- there is significant-- there is some
12 significant gang activities in certain parts of the
13 City. However, at the same token, you know, just
14 because you live in these neighborhoods does not mean
15 that you should be put into a database--

16 CHIEF SHEA: [interposing] Hundred percent
17 agree.

18 CHAIRPERSON RICHARDS: without any
19 transparency. There's no process for people to
20 appeal, and I'll come back to that a little bit
21 later, but I'm interested in hearing a little bit
22 more on especially for minors, what does more work
23 with parents look like, and also a process for those
24 who may be in your database who have turned their
25 lives around. I think they deserve the right to have

1
2 a process that they can go through to be taken out of
3 the database. And so the reason we're here today is
4 because there's never been any transparency around
5 the database, and I think there are a lot of
6 questions that are rightfully being raised, and if
7 the Department does a better job-- as I always say,
8 the two words, transparency and accountability go
9 hand in hand-- we wouldn't have to have hearings like
10 this, but for parents to be kept in the dark about
11 their children being entered into a database is not
12 what we should be doing, you know, especially for
13 minors, and individuals should have the right to
14 counter or appeal or have some sort of process for
15 recourse if they're entered into this database,
16 especially those who have turned their lives around
17 as well who may still be in it today. So, I will go
18 to Council Member Lancman for questions. Followed by
19 Lancman we'll go to Powers and Majority Leader Cumbo,
20 and we're joined by Council Member Rodriguez.

21 COUNCIL MEMBER LANCMAN: Thank you, good
22 morning. I do have to say, seeing the exhibits with
23 the examples of the 911 calls does bring me back to
24 February when we had a hearing on marijuana
25 possession policing and prosecution where we were

1
2 assured that the reason there is this extraordinary
3 disparity in who gets arrested and summonsed for
4 marijuana possession based on race and geography, and
5 that geography tied to race was rooted in 311 and 911
6 calls, and then three months later, you know, it came
7 out and it was revealed that there really wasn't that
8 kind of correlation, and now the City is undergoing
9 this review from the Mayor himself ordered by the
10 Mayor himself to look at how the City is doing
11 marijuana policing. And two District Attorneys have
12 said that they are no longer going to-- at our
13 insistence, frankly-- no longer going to prosecute
14 those cases. So, I am a Council Member who gets
15 calls from my constituents complaining about lots of
16 things. It's important that whether they're
17 complaining about someone smoking weed in a hallway
18 or someone potentially being a gang member, that we
19 don't let that supplant or replace good data in
20 driving how we address problems in our city. The
21 Chair covered a lot of ground. Let me just focus on
22 the prosecution aspect of the gang database. You had
23 said, I believe, and I don't want to mischaracterize
24 your testimony, that the gang database is not shared
25 outside of the Police Department or not widely

1 shared, but I-- and then there was a question about,
2 "Well, is the information given to prosecutors?" I
3 hope that you're aware, I'm sure that you are, that
4 someone's membership in a gang database or listing in
5 a gang database is routinely used in arraignment
6 proceedings and determining whether or not a person
7 should be remanded or have bail set. That kind of
8 information is shared with prosecutors in their
9 charging decisions, whether or not certain conduct is
10 chargeable for the offense alone or is made into a
11 conspiracy charge. And certainly at the federal
12 level somebody's being in a gang database sets off
13 all sorts of alarm bells about conspiracy and larger
14 charges that very, very substantial prison sentences
15 associated with them. So, let me just ask you, is
16 there a formal process or guideline for when the
17 Department will inform-- let's start with the DA's
18 Office-- that so and so defendant is in the gang
19 database. You-- because I believe you mentioned,
20 well, we don't do it in marijuana cases. Is there a
21 list of cases where you do inform the DA's Office
22 versus when you don't?

24

25

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2 CHIEF SHEA: So, to be clear, the DA's
3 Office does not have access to our NYPD Criminal
4 Group Database.

5 COUNCIL MEMBER LANCMAN: Right, they
6 can't go on a computer--

7 CHIEF SHEA: [interposing] Correct.

8 COUNCIL MEMBER LANCMAN: and get into--
9 right, I understand that.

10 CHIEF SHEA: Any individual that is
11 arrested that is brought before a judge to be
12 arraigned, and the police and the District Attorney
13 get together and mull over and talk about the charges
14 today, and what evidence we have that's applicable to
15 those charges. Will we at time discuss the
16 membership that this person is in fact a gang member?
17 Yes, that does occur. Why would it be applicable?
18 You know, we would have a case where somebody's
19 charged with possession of a gun, and the defense
20 invariably is, "I was just handed the gun." We may
21 provide to the District Attorney photos of that
22 individuals throwing gang signs up, hanging out in an
23 apartment with the very gun that he says he received
24 two minute ago. So there's a million examples where
25 we would share information to strengthen prosecution.

1
2 COUNCIL MEMBER LANCMAN: Right, so you
3 understand. You acknowledge that identifying someone
4 in the gang database, identifying someone as a gang
5 member could result in enhanced charges, enhanced
6 penalties, and alter a judge's perception about
7 whether or not someone should be remanded or get bail
8 and what that bail should be. I mean, there is a
9 different in the criminal justice system with
10 someone-- for someone who is identified as a gang
11 member. This is not-- it's not without consequence.
12 You acknowledge that.

13 CHIEF SHEA: I think that's a longer
14 discussion than here in terms of the practices, the
15 procedure, bail hearings, etcetera. It's one piece
16 of information that goes to the totality of
17 everything that a judge would listen to. I could
18 tell you definitely--

19 COUNCIL MEMBER LANCMAN: [interposing] But
20 you just gave an example where the fact that someone
21 is in the gang database--

22 CHIEF SHEA: [interposing] Yes.

23 COUNCIL MEMBER LANCMAN: could make a
24 significant difference in how that case is
25 prosecuted. And you know what, if that person is a

1
2 gang member, it should. You don't need to run away
3 from that, we just need to acknowledge it. And then
4 I want to get back to the question I asked you, which
5 is when do you determine what are the circumstances
6 where that information is shared, and is it just, you
7 know, kind of ad-hock and what the Department or the
8 arresting officer feels like sharing at that moment?

9 CHIEF HARRISON: Well, I think one of the
10 things that we're not explaining correctly is we
11 inform the District Attorney's Office if the crime
12 that they committed has to do something with a gang-
13 related incident. So, perfect example: If this
14 person assaulted somebody, and it was say a gang-
15 motivated or gang-related act, I think it's very
16 important that we tell the District Attorney, "Hey,
17 this incident happened because this was a gang-
18 related situation. This person is a"--

19 COUNCIL MEMBER LANCMAN: I agree with
20 you. I just want you to acknowledge that. Because
21 then, that gets to-- it's important to understand
22 that being in the gang database is not nothing. It's
23 not just information awareness. It has a very--
24 potentially very serious consequences for how a case
25

1
2 is prosecuted and handled. We just-- I just want to
3 start with that acknowledgement.

4 CHIEF HARRISON: But I will say this, if
5 somebody's arrested on a non-related crime, it has
6 nothing to do with their affiliation, then there's no
7 need for us to tell the District Attorney's Office.

8 COUNCIL MEMBER LANCMAN: And I would
9 agree with that. So, now we get back to my question
10 which is: are there guidelines in place and rules in
11 place for when the Police Department will inform the
12 DA's Office or the US Attorney's Office, whatever
13 law, whoever's prosecuting this individual that this
14 person is in the gang database, they're affiliated
15 with a gang. Is there guidelines? Is there rules,
16 procedures for when you are making that information
17 available?

18 CHIEF SHEA: I think that is-- and the
19 answer is no. Every case is unique, every case,
20 every prosecution-- what is the evidence of this?
21 The mere fact that an individual is listed in the
22 Criminal Group Database does not add or subtract any
23 evidence to whether a District Attorney is going to
24 go forward with a case or what charges he's going to--
25 - conspiracy was mentioned. There's still conspiracy

1
2 to do what? Conspiracy to do the underlying criminal
3 act. This is a much deeper discussion, it think. I
4 understand your point, but we're really into the
5 weeds in terms of how we process and how we try to
6 strengthen prosecutions on a day-to-day basis with
7 the prosecutors. I would liken the information to
8 any other piece of information or data or evidence
9 that we can provide to the District Attorneys to give
10 them as much information as they need to make those
11 decisions on what cases that are going to go forward
12 or not go forward.

13 COUNCIL MEMBER LANCMAN: And the concern
14 is, and this is the focus of the Chairman's
15 questioning, is that your determination that somebody
16 is affiliated with a gang is a very important piece
17 of information for prosecutors in determining how
18 they're going to proceed with that case. There's a
19 reason that you'd say to the prosecutors in some
20 cases, "Hey, this guy is affiliated with a gang." And
21 there's a reason in some other cases you would choose
22 not to share that information. It's either relevant
23 or it's not, and I would certainly want you to share
24 that information when it's relevant, but not share it
25 when it's not, and it underscores the importance of

1
2 getting who is in the gang database, which is really
3 the heart of what we're talking about here today, to
4 get it right and to be very, very careful before you
5 put someone in there. Because that will
6 unquestionably, and I think we're going to have
7 public defenders testify later, that unquestionably
8 colors a prosecutor's view of the case that's in
9 front of them, right? Is this a kid who did a stupid
10 thing, or is this a kid who's part of a gang? Is
11 this a kid who committed some act-- and I say kid--
12 but is it a young person who committed some act that
13 had negative consequences just for the people
14 involved, or is he part of some larger problem? And
15 as you would think, people who are part of a larger
16 problem, people who are engaged in conduct that is
17 not just foolish, but part of a pattern, well, they
18 get treated differently in the criminal justice
19 system as perhaps they should. It's just very
20 important for us to understand that being in the gang
21 database has very serious consequences for people who
22 find themselves involved in the criminal justice
23 system. I think with that understanding, our
24 interest in making sure that the gang database is as

1 narrow and as focused as possible, hopefully becomes
2 more understandable to you.

3
4 CHIEF SHEA: It's all very reasonable. I
5 think that, you know, I would again point to it's not
6 just the size of the Criminal Group Database that's
7 relevant here, it's-- we are far from perfect, but I
8 think that we have done a lot of good in-- when you
9 look at that chart on my left, how we have already
10 cut the arrests and tried to be more, in your words,
11 "precise." And with a scalpel, like we like to say,
12 with the Precision Policing piece, we are at
13 currently 26-year lows. What you just said, you
14 know, I agree with, you know, the points made.
15 They're well-made, but I think we have demonstrated
16 first and foremost the precision of what we have done
17 and what we continue to try to do, and I will remind
18 also on the pre-indictment piece of this, and this is
19 not a normal arrest that comes, but when we do our
20 cases I can definitively tell you that we start at a
21 point which is much wider when we finish. We have
22 probable cause to arrest many, many, many more people
23 than we actually arrest, and we do that in
24 conjunction with the prosecutors with an awareness of
25 everything that was just said. How can we be as

1
2 precise as possible to have as little negative
3 effects as possible and still accomplish what we're
4 trying to accomplish: public safety? We know that we
5 could arrest more. A 15-person gang takedown could
6 easily be 45 or 60 or more, but we're trying to do it
7 as efficiently as possible for a lot of reasons, and
8 many of which you just summarized.

9 COUNCIL MEMBER LANCMAN: Thank you.

10 CHAIRPERSON RICHARDS: Thank you. We're
11 going to go to Council Member Powers.

12 COUNCIL MEMBER POWERS: Thank you. I'm
13 going to pick up where Council Member Lancman picked
14 up. Is there any information sharing from this
15 database with the Department of Corrections?

16 CHIEF SHEA: With Department of
17 Corrections?

18 COUNCIL MEMBER POWERS: Yeah.

19 CHIEF SHEA: I would give the same answer
20 that I gave in terms of the DA's, but-- and here is
21 the but-- there are times that we, specifically with
22 cases, when we take a case down we have to
23 communicate with the Department of Corrections for a
24 couple of logistical reasons. First and foremost,
25 they need to know when a larger number-- it's not the

1 normal number of prisoners, whatever that is that
2 comes across their building in a particular day.
3 You're going to get an extra 15 or 30. So, for cell
4 space reasons, we will tell them there is a gang
5 takedown occurring, and we do take down a gang like
6 that, we have to tell them, "It's the Bloods. It's
7 the Crips. It's this gang. It's that gang."
8 Because there would be severe consequences if we did
9 not, and prisoners mixed within the jail system.

11 COUNCIL MEMBER POWERS: So, you are--

12 CHIEF SHEA: But they do not have access
13 to look up a single prisoner.

14 COUNCIL MEMBER POWERS: They can't-- they
15 don't have access to your database.

16 CHIEF SHEA: Correct.

17 COUNCIL MEMBER POWERS: Okay. But they
18 could request-- can they call you after? So, I think
19 the question-- I mean, I think you are-- your point
20 was that, which we've heard from Corrections too, is
21 that housing becomes a sensitive issue when you talk
22 about gang affiliation and certainly capacity is an
23 issue for them in terms of knowing how many-- how
24 many cells they would need at any particular time,
25 what capacity, daily count will look like. Is there

1
2 after the fact if they-- after the arrest if they
3 requested today information on somebody who's
4 incarcerated about gang affiliation, do they-- do
5 they make requests, and do you provide them
6 information about gang affiliation once they're
7 being-- once they're in our custody?

8 CHIEF SHEA: My experience is the
9 Corrections screens every prisoner on their own for
10 the very reasons that I just said, and no one is
11 hiding these facts. The prisoners will self-
12 identify, because they want to be with whatever area
13 they want to go in. So, that, I think, is occurring
14 on a daily basis. That's the reality of life within,
15 let's say, a jail, and I don't think that's unique to
16 New York City, and I think that's adequate. You
17 know, it would be a case-by-case basis if Corrections
18 reached out to us for individual information on a
19 particular incident.

20 COUNCIL MEMBER POWERS: Got it. And just
21 moving back to some things we talked about earlier
22 which is about how one gets into the database, the
23 criteria. I understand your two phases about how you
24 might identify--

25 CHIEF SHEA: [interposing] Yep.

1
2 COUNCIL MEMBER POWERS: somebody. It
3 sounds-- just, you can correct me if I'm wrong about
4 this. But the-- it sounds like there are people who
5 are doing the investigate-- who are gang unit who are
6 doing investigations about affiliation. Does that
7 then get passed on to a supervisor to approve whether
8 they get entered in, or what is the process? After I
9 look at social media, or the person is even self-
10 identified-- let's say the person self-identified as
11 being gang affiliated. You want to move them into
12 the database. What is the process by which that gets
13 approved?

14 CHIEF SHEA: Every one of those
15 scenarios, whether there's independent information,
16 it's coming from sources, whether it's self-
17 identifying, every one of them is memorialized in our
18 case management system, and every single one of them
19 will not wind up going into the Criminal Group
20 Database until it signed off on and reviewed by a
21 supervisor, and on the back end for coming out it
22 also goes to a supervisor.

23 COUNCIL MEMBER POWERS: Got it.

24 CHIEF SHEA: And on the back end for
25 coming out it also goes to a supervisor.

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2 COUNCIL MEMBER POWERS: And do you track
3 how many approval, like what the approval rate is?
4 Like, what is the percentage of people that go get,
5 you know, self-identify or get-- I mean, I think the
6 concern would be more like social media, location,
7 things like that in terms of people being identified
8 and then put into the database which could have an
9 effect on criminal prosecution and other things. And
10 I understand people self-identify, but other ways.
11 Is there any data on how often or likely, or what the
12 approval rate is in terms of entering it?

13 CHIEF SHEA: I-- that's a good question.
14 I do not have the data, but what I will say to you is
15 that my experience and my belief is that the approval
16 process is extremely high for the very reason that
17 there's collaboration while the process is going on
18 between the supervisors who work hand-in-hand with
19 the officers. I would not expect-- I know
20 definitively there are people that are denied because
21 the appropriately level has not been reached, but
22 generally speaking, I believe, the approval process
23 is high. That could be pulled out of data, I just do
24 not have that.

25

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2 COUNCIL MEMBER POWERS: Okay, thank you.
3 In the interest of time, and I have to run, just the
4 next thing, thank you, Mr. Chair.

5 CHAIRPERSON RICHARDS: You're welcome.
6 Majority Leader Cumbo?

7 COUNCIL MEMBER CUMBO: Thank you, Chair.
8 And I wanted to ask questions in regards to-- and
9 this may have asked-- but want to know exactly what
10 information or categories do you collect information
11 in the database in terms of: Do you collect
12 information in terms of, particularly for young
13 people, where they live, who their parents are, their
14 contact information, emails, all that sort of stuff?
15 What type of information do you collect?

16 CHIEF SHEA: It's what you would expect,
17 pedigree information such as we would on an arrest,
18 the name, date of birth, the address. Parents'
19 information is not a required field, if you will.
20 Nor is an email address, but if an email address is
21 relevant-- if we have social media or internet-
22 related items that are proven to be part of the
23 reason we are entering somebody in, then I would
24 expect to see the accompanying URL, tag, if you will.
25 Whether it's social media names, website address, and

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2 not only is that kept, the entire page is preserved
3 so that we can during the review process pull it up
4 and say this is why this person was entered in, with
5 accompanying screen shots, etcetera.

6 COUNCIL MEMBER CUMBO: DO you-- would you
7 say that you have an adequate ability to be able to
8 reach the individuals that are in the database
9 frequently? Like, if you-- if there was someone in
10 the database, do you know how to reach their mom,
11 their dad, them, or somebody? Do you have the
12 ability to do that?

13 CHIEF SHEA: Is the question mom or dad,
14 or is it them particular?

15 COUNCIL MEMBER CUMBO: That person in
16 particular.

17 CHIEF SHEA: Two percent is-- 2.5 percent
18 currently is under the age of 18. Off the top of my
19 head, that's an interesting question. I don't know
20 the answer to that. So, that's an interesting
21 question. Certainly, I am confident-- let me
22 rephrase it, and you can come back at me a different
23 way. I am confident that if we need to get in touch
24 with those individuals, we can, but it is all these
25 levels of how long it takes. There are people that

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2 are wanted by the NYPD today that I can't get as
3 quick as I want to and talk to. But we collect
4 information, who they are, and I'm confident that if
5 we need to get in touch with them, these are local
6 based generally.

7 COUNCIL MEMBER CUMBO: The reason why I
8 ask this question is because to hear about the fact
9 that a database like this exists on first sight and
10 first hearing it seems very problematic, right? But
11 on the other hand, if you're looking at it, and
12 that's why I'm asking you these questions, do you
13 look at this database in any other agencies and
14 looking at it and saying we have this database of
15 individuals that we believe are in gangs, not
16 affiliated, perhaps? How can we provide these, and--
17 do you look at this database-- how can we provide
18 these individuals with support? So, is it something
19 where we have individuals in this database, whether
20 they're in a gang, not in a gang, do we give them
21 information about Summer Youth Employment Program
22 that's coming up? This particular individual or
23 groups of people should apply for it. We have an
24 internship program that maybe you should apply for.
25 We have this Big Brothers/Big Sisters program. Maybe

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2 you all could apply for this. They're like, do we
3 look at this in terms of saying this is just a group
4 that we've criminalized, or do we look at this and
5 say, these are a group of individuals who obviously
6 for whatever reason need help and support and if we
7 have their contact information, can we bring them
8 together for a Town Hall meeting? Because if they're
9 in a gang, it's like how do you look at the-- how do
10 you look at the opportunities in the situation.
11 Obviously, these are entrepreneurial individuals that
12 have some talents and some skill sets and some
13 abilities to do some things. How do we get them
14 together to utilize a database like this, to put
15 resources into their hands? This city just increased
16 the amount of Summer Youth Employment from when we
17 came in four years ago from 28,000 to 75,000. We
18 need to get those individuals-- and I believe Summer
19 Youth goes up to 24 years of age. They need to have
20 a job, and they need to know that they can have a
21 job, and if we get them those opportunities that
22 could change their lives, and I mean, I know we look
23 at it and we say, "Oh, gangs, you know, these are
24 just people that are discardable, you know. They're
25 in a gang, whatever." But we can't look at them like

1 that. They are us. They are our people. They are
2 our community. They're valuable. We can't continue
3 to look at people as casualties. So, I would say
4 that this database, although it seems problematic to
5 me on face value, but if we could utilize this to
6 connect our young people to some serious resources
7 that the City's investing in, I'd like to know if
8 anything like that has ever been done. And eve--
9 excuse me-- and even with guidance counselors,
10 particularly for the young people, is it possible to
11 take this database-- we're collecting what
12 information they are in school and connecting them to
13 guidance counselors and resources and therapists.
14 The First Lady has this wonderful mental health
15 program. Like, our young people need help and they
16 don't need to be further criminalized. So, I'd like
17 to hear what you have to say about that.

19 [applause]

20 CHIEF HARRISON: So, if you don't mind
21 I'd like to talk about some of the things we're doing
22 within the NYPD. So, anytime there's a takedown of a
23 certain crew, a localized crew, that's been causing
24 major problems within a community, we do something
25 called a "Neighborhood Briefing" where we bring in

1 the elected officials and a lot of the community
2 leaders to kind of talk about how we got to this
3 process of taking this problematic crew down. So, we
4 don't stop there. One of the things that we put in
5 place is we started working with the Mayor's Office
6 and MOCJ, and we've identified these youth that are
7 associates, that may be what we call-- we call it the
8 Next Gen, kids that may be the next kids up that may
9 be causing problems. And that's when we put in
10 things in place where we come up with youth
11 activities, come up with local program, job
12 readiness, educational assistance. So we're doing a
13 couple of things like that after a-- which could be a
14 dramatic thing for a community, and then we try to
15 rejuvenate them by getting them some assistance from
16 not just the Police Department, from any of the
17 political accesses that we have out there throughout
18 the City. And it's paying off dividends, because we--
19 - not only we do that where we try to see if we can
20 get these kids in the right direction.

22 COUNCIL MEMBER CUMBO: I'd like to see a
23 report on that and understand the real factual
24 numbers about how real that is and how it's really
25 making an impact or not. But I'll just close in this

1 way of saying it may be a radical idea to you, but if
2 we're really looking at getting to the heart of the
3 solution, I know that one thing that would help many
4 of our young people and to change their lives,
5 because I've participated in it. If the vast
6 majority of these young people, I think you said
7 almost 87 percent are people of color, it would be
8 powerful to take them to Ghana and to go to the Door
9 of No Return and to see the dynamics of the Trans-
10 Atlantic Slave Trade and to reconnect them back to
11 the Continent of Africa and their people and to
12 understand their history and their culture. It would
13 change their lives in a major way. I mean, as a
14 black woman as well as a mom of young boy, to hear
15 words like "take down" and "crews" and to talk about
16 our children in that way, it's really-- I mean, maybe
17 just because I'm a new mom and I'm really hormonal,
18 but it is terrifying to hear about our children in
19 that way to be referred to as crews and gangs and
20 take-downs, and I mean, it's just devastating to hear
21 about how we see our young people, and the vocabulary
22 that we utilize and the lack of connection to helping
23 them. I just hope that my son is never in a
24 situation like that. But thank you.
25

1 CHIEF HARRISON: Understood.

2 [applause]

3 CHAIRPERSON RICHARDS: I'm going to go to
4 Council Member Fernando Cabrera.

5 COUNCIL MEMBER CABRERA: Mr. Chair,
6 that's not fair. I have to follow her. Truly. Chief,
7 welcome. Thank you for all you do. This is very real
8 in my district. One of the impetus that got me into
9 this seat where I am at right now as a pastor of
10 church and was working as a college professor in
11 counseling. I saw young person who was just sitting
12 down, two young people sitting down just by the
13 corner of the church. They-- gang members came by
14 and they were not even involved in gangs. They
15 started running, because they saw danger. They got
16 shot at. One became blind. The other one got shot.
17 Thank God he just happened to look back and the
18 bullet went right through him. He survived. That
19 moved my heart to run for office. And just last
20 summer in one of my parks, talking to a constituent.
21 Had-- was two gangs getting in an altercation. There
22 were knives, machetes, and the other side of the park
23 totally unaware on my side of the park talking to
24 this constituent with a child in the children's park
25

1 section of the park. And then there was a shoot-out.
2 I was so upset that it didn't even dawn on me to get
3 behind a tree, go to the floor, call the NYPD. You
4 guys were there literally-- I was still on the phone.
5 So, I'm very grateful for showing up. We were able
6 to get hold of the young people. What is the root of
7 the problem? You mention mothers. And I've been
8 talking about this for eight years. The root of the
9 problem here is fathers. We have absentee fathers.
10 The research is clear we need to engage the fathers.
11 And often we want the NYPD to play the role of the
12 father. The NYPD are not the father to these
13 children, and we need the fathers to get engaged.
14 I'm happy that the Counsel has taken a major role in
15 helping out. Cure Violence, programs that was
16 started with Council Member Jumaane Williams and
17 myself have been a complete success. I salute all
18 the Cure Violence programs. They've done an amazing
19 job, a major part of the numbers going down as a
20 result of that. We need to continue to support them,
21 and to be honest with you, to increase them [sic].
22 My question to you is since we have a higher level of
23 weapons being used, a higher level of technology-- I
24 know some of the gangs now they post themselves in
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2 Facebook trying to act themselves as perhaps-- and I
3 know some of these young people myself that they go
4 in there, they act as if they're a young lady looking
5 to sell herself, get a hold of a meet-up place. They
6 know money is going to be in the pockets of the
7 person looking to do sex trafficking, and pull out a
8 weapon, and-- so the level of sophistication is
9 getting higher. What tools do you need so we can
10 have reasonable, fair, strategic, precise form of
11 reaching the young people?

12 CHIEF SHEA: I want to thank you for your
13 commitment that you've already exhibited and your
14 offer. I think when you look at the tools and the
15 resources that we need, I think we are very well
16 taken care of currently. I will certainly bring that
17 offer back, but first and foremost, your continued
18 support to everyone on the dais on this. And I would
19 just again, I agree 100 percent when you talk about
20 the kids and needing to intervene, needing to help
21 connecting with them. I would also like to say
22 though that the kids pull at our hearts and pull this
23 conversation down to a world of 13, 14, 15-year-olds.
24 The problem that we are on a daily basis trying to
25 help the citizens in New York, when you look at the

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2 ages of the individuals here, the outliers are the
3 kids, and those are the most important treasures we
4 have. There's no doubt. But the mean age of-- how
5 old are you when you get entered into this group,
6 this investigative lead that we have? We're talking
7 about 27-year-old men. Those are not kids, and I
8 just ask for your continued support. We acknowledge
9 all the comments of the dais today, and it would be
10 hard to find fault with any of it. We continue to
11 look for ways to improve, to be smarter, fairer. I
12 think we've demonstrated by our commitment the last--
13 just in the last four years how we have shifted how
14 we police New York City. But that's not to say we
15 have all the answers. And we look forward to working
16 together, further work together to really keep New
17 York City as safe as it is and make it even safer.

18 COUNCIL MEMBER CABRERA: And I want to
19 thank you for that. My very first question that I
20 ever ask here in the budget hearing was to the
21 Commissioner back then, three Commissioners ago, and
22 the answer that we received regarding the strategy
23 for gangs was very, very poor, and that's got us
24 started here with the Cure Violence and being able to
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2 work with the NYPD. Mr. Chairman, thank you so much.
3 Really appreciate it.

4 CHAIRPERSON RICHARDS: Thank you.

5 CHIEF HARRISON: Mr. Chair, if I could
6 just say one thing real quickly--

7 CHAIRPERSON RICHARDS: [interposing] Let
8 me get to questions because I know we have the hard
9 stop, and then you could respond because I know he
10 has to go. I'm going to get to Council Member
11 Barron, and then I will just close out. I have three
12 last questions that I hope you could answer quickly.
13 Then we'll go back to you, Chief Harrison.

14 COUNCIL MEMBER BARRON: Thank you, Mr.
15 Chair. Thank you to the panel. Chief, when you were
16 here in February, your testimony included a statement
17 that you had no reason to believe that officers
18 differentiate in their treatment of blacks and
19 Latinos, black and Latino communities, and how they
20 treat white communities. Is that still your belief?

21 CHIEF SHEA: One hundred percent.

22 COUNCIL MEMBER BARRON: Then we have
23 serious issues if you believe that officers don't
24 have some example, some experience and some behavior
25 that shows implicit bias. You've heard the term

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2 implicit bias, because I believe you were heading up
3 the training for that. And it says to me that if the
4 person who is responsible for training to increase
5 awareness of implicit bias doesn't believe it exists,
6 then I don't see how that's going to be an effective
7 training program.

8 CHIEF SHEA: I didn't get the question.
9 Was there a question in there? In terms of the
10 implicit--

11 COUNCIL MEMBER BARRON: [interposing]
12 Yeah, the question is I believe, and I don't
13 understand how you don't understand that officers
14 regardless of their ethnicity have implicit bias,
15 systemic traits based on what this country's history
16 is that gives them a kind of over-zealousness to
17 gather up blacks and Latinos. We can talk about--
18 you can-- we can make data say whatever we want it to
19 say, but I believe that there's some motivation there
20 in that regard. Do you think that that's a
21 possibility that that exists?

22 CHIEF SHEA: Sure. Just to correct the
23 earlier statement regarding the implicit bias
24 training. I did not head up the implicit bias
25 training. I participated in the implicit bias

1 training. I think it's a very valuable training. One
2 of the strengths of the NYPD is that we are immersed
3 in a wide-ranging topics of training. That's another
4 tool available to the men and women, and since
5 implementing it, I think that's an extremely positive
6 step. But that is not to say that that correlation
7 extends to from that I will extrapolate to say that
8 members of the NYPD are treating individuals
9 committing crimes differently based on the color of
10 their skin.
11

12 COUNCIL MEMBER BARRON: Do--

13 CHIEF SHEA: [interposing] In terms of the
14 implicit bias training, I think all members of
15 society have inherent biases that it's very important
16 to recognize them, deal with them, see how they
17 affect your day-to-day behavior. That's nothing but
18 positive underling that training from my point of
19 view.

20 COUNCIL MEMBER BARRON: I see the Chair
21 looking at me, but I would say to you that the
22 evidence that came out from the stop and frisk would
23 contradict what you believe to have happened. Thank
24 you, Mr. Chair.

25 UNIDENTIFIED: Go ahead.

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2 COUNCIL MEMBER BARRON: That's okay. I
3 just wanted to make that point.

4 CHAIRPERSON RICHARDS: Thank you. Thank
5 you, Madam Barron. Okay, let's just-- three last
6 questions. So you touched on teaches in schools. Do
7 school safety agents play any role in gang take-down
8 strategies, and if so, is there an MOU between NYPD
9 and DOE regarding school safety agents specifically
10 playing a role in sharing information on a database
11 or students being put in a database.

12 CHIEF SHEA: I would say no.

13 CHAIRPERSON RICHARDS: So there's no
14 formal regulation.

15 CHIEF SHEA: And when we're doing take-
16 downs-- and forgive, again, but it's impossible not
17 to use the word with the subject matter of today--
18 we're generally talking about individuals that are
19 out of schools. The school safety currently has no
20 formal role. They are members of the NYPD. If we
21 need to reach out to them and dial them into a
22 particular situation, we certainly would do that
23 according to all--

24 CHAIRPERSON RICHARDS: [interposing] But
25 there's no formal--

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CHIEF SHEA: laws, but--

CHAIRPERSON RICHARDS: [interposing] And
are they--

CHIEF SHEA: when we look at the
individuals in the-- and we quote statistics about
take-downs or a number of people arrested, that's
generally not. We're not talking about school-aged
children here.

CHAIRPERSON RICHARDS: So School Safety
has no formal role. Is there any influence they have
on some of these kids, over a thousand kids who have
been entered into the database?

CHIEF SHEA: If we have information--
this is not an absolute. If we have information
coming to us in a particular incident, School Safety
responds to a job where a child is robbed as he walks
out of the school and he makes a statement and it's a
gang initiation, of course we would take that into
consideration, but I can't think of a formal role.
And again, that would be the extremes.

CHAIRPERSON RICHARDS: So, we would be
interested in hearing--

CHIEF SHEA: [interposing] Sure.

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2 CHAIRPERSON RICHARDS: a little bit more
3 of a formal role being played there. The Intercept
4 obviously had an article that spoke of 42,000 people
5 being in the database. Your numbers say 17,000. Can
6 you speak to the numbers here?

7 CHIEF SHEA: I've learned not to believe
8 what I read in the papers. I have no comments on the
9 Intercept. I couldn't begin to imagine.

10 CHAIRPERSON RICHARDS: Well, forget the
11 article. Let's take that away. So there was a
12 report that 42,000-- let's minus the Intercept--
13 people were in the database. So, is that-- is there
14 any truth in it? Was it 42,000 people at any point?

15 CHIEF SHEA: Yeah--

16 CHAIRPERSON RICHARDS: [interposing] So,
17 in 2014 you spoke of how the numbers were cut nearly
18 in half. So, I'm presuming what do the numbers look
19 like in 2013? Could they have been at 42,000?

20 CHIEF SHEA: Not to my knowledge, but
21 we'd have to get back to you. I think the-- you
22 know, and I heard pieces of this article, and I did
23 not read the entire thing, but what I did read I read
24 some glaring errors.

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2 CHAIRPERSON RICHARDS: And then you spoke
3 of scrubbing. Can you give us a little, because we
4 didn't hear how do you determine how people are
5 removed from the database? So what are the criteria
6 around that? When you do remove someone, what are
7 the criteria to remove?

8 CHIEF SHEA: Well, I would summarize it
9 as simple as, we have criteria for individuals to get
10 in. if they no longer fit that criteria, and we
11 believe based on the information we have available to
12 us that they are no longer a member of that criminal
13 group or gang, then they would be taken out.

14 CHAIRPERSON RICHARDS: And we spoke of
15 obviously more transparency, and you spoke of
16 criteria that you deemed fit to entering people into
17 the database. Would you be open to openly reporting?
18 So, perhaps, if you're tracking people by social
19 media, would you be open to giving the Council data
20 perhaps once a year on how many people you, you know,
21 you categorized in these specific areas on a yearly
22 basis? So, confidential CI [sic]. Would you be
23 confident in-- or, you know, would you entertain
24 ensuring that we got that data in a transparent
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2 fashion? If I'm wearing colors, so a breakdown of
3 the criteria.

4 DIRECTOR CHERNYAVSKY: Sure, Council
5 Member, we've-- I think we've shown over the last
6 four years with over 30-plus reporting bills with
7 self-initiated reporting that we're more transparent
8 and continue to be more transparent than we've ever
9 been. As to your question about reporting on this
10 particular topic, I see no real issue with doing
11 that. However, in going in that direction we have to
12 be very cognizant about reporting on the type of data
13 that does not compromise ongoing investigations, the
14 safety of individuals that are potentially informants
15 or neighborhood folks that are assisting us. As with
16 any reporting piece transparency is key, but not at
17 the risk of safety.

18 CHAIRPERSON RICHARDS: And what is your
19 opinion on other jurisdictions who are certainly
20 looking to dismantle the entire databases?

21 DIRECTOR CHERNYAVSKY: Well, I think New
22 York City is very distinguishable from other
23 jurisdictions in that other jurisdictions--I think
24 one came to mind-- California where there's
25 legislation on the books that would criminalize being

1 a member of a particular gang or being excluded from
2 certain areas of the City through civil injunctions.
3 I mean, that's simply not the case here. The
4 enhancements of sentencing in other jurisdictions
5 that if you commit, for example, a crime of menacing,
6 plus you're in a gang, that equals a certain outcome.
7 That's not present here. I think what's important to
8 recognize with respect to our database is-- and I
9 think the Chief had mentioned this in his testimony--
10 this is an investigative lead. That's plain and
11 simple. So, if we think back in the day, and I'm
12 sure everybody has seen this, that you would go into
13 the detective squad and you would see a peg board,
14 and the leader of the traditional organized crime or
15 mafia would be-- his picture would be on top. Then
16 the second tier of leadership, the third tier
17 leadership, the associates, you know, they would be
18 listed that way. I mean, we would not be advertising
19 to the members of those criminal organizations that
20 we suspect them of being members. Now, I think too
21 on Council Member Cumbo's point that there are
22 certainly opportunities that could be had with
23 respect to the smaller percentage, the two percent or
24 so of individuals that are under the age of 18 where
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2 we can interdict and set them on a different path in
3 life so they don't stay on the wrong path. That's
4 certainly something that we will work with you on
5 beyond this hearing, but I think what's important is
6 is the usefulness of this investigative tool and
7 avoiding compromising this investigative tool by
8 alerting individuals that may very well be the
9 subjects of investigations of very serious violent
10 crimes that they are the subject, so giving them an
11 opportunity to change their behavior and thwart the
12 legal process.

13 CHAIRPERSON RICHARDS: And notification to
14 parents, would that be something you--

15 DIRECTOR CHERNYAVSKY: Well, again, as I
16 said, I think given the small number of individuals
17 that are under the age of 18 in certain circumstances
18 that can certainly be explored.

19 CHAIRPERSON RICHARDS: Okay.

20 DIRECTOR CHERNYAVSKY: In every
21 circumstance to make it a blanket, I would be weary
22 of that, because we have to look at every case of
23 itself.

24 CHAIRPERSON RICHARDS: Yeah, case by case
25 basis.

1 DIRECTOR CHERNYAVSKY: Sure.

2
3 CHAIRPERSON RICHARDS: Okay. I want to
4 thank you for coming out. There's clearly a lot more
5 work to be done on transparency when it comes to the
6 database, and I certainly share Majority Leader
7 Cumbo's thoughts on this as a father of a two-year-
8 old who lives predominantly in a black neighborhood,
9 who you know, could walk a few blocks easily and go
10 to the store or hangout there as many young people do
11 and be put into a database. You know, we just have
12 to be sensitive of that, and I'll just share my
13 personal story quickly before I let you go. At 14
14 years old I could have easily been in this database
15 myself, and by the grace of God my parents, you know,
16 got me into reform school and that's why I'm here
17 today. So, how many more Donovan Richards are there
18 out there that we can certainly be saving is
19 something that we need to really take seriously. And
20 you know, part of the reason these gang nexuses
21 exist, and you look at predominantly a lot of these
22 areas, the lack of resources, no community center
23 outlets, no infrastructure, no real outlets for young
24 people. So what they do is they go out and they want
25 to be a part of something. And yes, I grew up with

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2 my cousin who lives in apartment 2B and we played
3 basketball coming up and we grew up together, and
4 we're boys, and you know, and perhaps we live on the
5 block so we label ourselves in a particular way, but
6 I think there is certainly a lot of truthfulness when
7 it comes to what Majority Leader Cumbo said, we are
8 not subjects. You know, we are kids who could either
9 go left or right and there's not any real resources
10 to really address these things, and I think that's
11 something the City has not looked at and something we
12 need to look at more carefully. And even for those
13 going up to 27 years old, they shouldn't be given a
14 life sentence for being engaged, you know, with the
15 people they grew up with in particular corners,
16 because there's nowhere else to go. We had fight for
17 fair fares. I mean, many of these kids have never
18 even left their neighborhood. We have kids in Far
19 Rockaway who have never been to Manhattan. So, this
20 is why we fight for the things we do in this building
21 because it really can make a difference in changing
22 people's lives around. Vocational training, all the
23 different strategies, and that's not the NYPD's job,
24 but I'm saying that to communicate to the City that
25 there needs to be a broader strategy, rather than

1
2 just throwing people in a database, and that
3 following them for the rest of their lives possibly.
4 So, I want to thank you for coming. We certainly
5 look forward to working with you and engaging with
6 you on a broader strategy, and I will say, I do not
7 believe that all 17,000 people, just for the record,
8 in that database are certainly criminals. I think
9 there are people such as myself who might have been
10 14 or 15 years old who really-- I wasn't picking up a
11 gun or anything of that nature, but I lived within a
12 certain geography, and we all connected with one
13 another, but it didn't mean we were bad people, you
14 know, and I think that that's something we need to
15 certainly look at again. Thank you for coming out
16 today.

17 [break]

18 CHAIRPERSON RICHARDS: Going to ask-- so
19 we can start calling the panels. Everyone could have
20 a seat.

21 UNIDENTIFIED: Quiet down, please. Quiet
22 down, please. We're going to continue with our
23 hearing.

24 CHAIRPERSON RICHARDS: Alrighty [sic].
25 We're going to call the first panel: Mr. Lennox

1 [sp?], I believe, NAACP/LDF; Martiney [sp?] Lennox,
2 NAACP; Anthony Posada, Legal Aid; Taylonn Murphy,
3 Community Activist; Darlene Smith, Community
4 Activist; and Babe Howell [sp?]. Oh, Bob Howell?
5 Babe Howell, CUNY Law. Babe Howell, CUNY Law;
6 Darlene Smith, Community Activist; Taylonn Murphy,
7 Community Activist; Anthony Posada, Legal Aid; and--
8 Alrighty, I'm going to ask to begin. And you're to
9 state your name for the record and who you're
10 representing, and then you may begin. Press your
11 button, light up red.

13 MARNE LENNOX: My name is Marne Lenox, M-
14 A-R-N-E L-E-N-O-X. I am here on behalf of the NAACP
15 Legal Defense Fund as well as the Center for
16 Constitutional Rights. Chairperson Richards and
17 Council Members, as I said, my name is Marne Lenox,
18 and I'm an Assistant Counsel at the NAACP Legal
19 Defense and Education Fund. I want to thank
20 Chairperson Richards for holding this critical
21 hearing and I would like to submit the following
22 testimony. LDF is the nation's first and foremost
23 civil rights law organization. Since 1940, LDF has
24 fought to eliminate the arbitrary role of race in the
25 administration of the criminal justice system. In

1
2 2010, LDF, along with co-counsel filed Davis versus
3 City of New York, challenging the NYPD's policy and
4 practice of unlawfully stopping and arresting New
5 York City Housing Authority residents and their
6 visitors for criminal trespass. In 2015, the Davis
7 plaintiffs settled with the City. The settlement
8 included full participation in the federal monitoring
9 of the NYPD ordered by the court in Floyd versus the
10 City of New York, the landmark lawsuit that
11 successfully challenged the NYPD's stop-and-frisk
12 policies. Currently, I work on behalf of Davis
13 plaintiffs in the reform process. The
14 unconstitutional policing practices that motivated
15 LDF to file suit in Davis share common ground with
16 the NYPD's gang enforcement strategies. The
17 Department's aggressive, military-style gang
18 takedowns primarily target public housing residents,
19 the overwhelming majority of whom are people of
20 color. Before executing these sweeping takedowns,
21 the NYPD conducts criminal investigations relying, in
22 part, on a secret database that indiscriminately
23 designates thousands of New Yorkers as members of
24 gangs and local street crews without due process
25 protections. These practices result in imprecise

1
2 policing, racial profiling, and sweeping civil
3 liberties violations that disproportionately harm
4 communities of color, including the City's public
5 housing community. The NYPD gang policies and
6 practices appear to be an aggressive and targeted
7 extension of the unconstitutional, racialized
8 policing tactics challenged in both Davis and Floyd.
9 Today, the NYPD boasts that police stops are at an
10 all-time low. But while the NYPD touts declining
11 numbers of stops as evidence of its compliance with
12 the law, the Department continues to secretly target,
13 surveil and catalog young men of color. Those same
14 individuals once subjected to the degradation of
15 unlawful stops and frisks are now instead stigmatized
16 as dangerous gang members. The NYPD's gang
17 membership criteria could easily serve as a pre-text
18 to surveil and monitor large swaths of individuals
19 who engage in lawful behavior. At the heart of the
20 court's ruling in Floyd rests the finding that the
21 NYPD violated the 14th Amendment of the Constitution,
22 because police were stopping and frisking New Yorkers
23 based on their race or ethnicity. In 2013, the
24 Federal Court determined that the NYPD's reliance on
25 vague and suggestive terms to justify its stops such

1 as individual's furtive movement frequently resulted
2 in unjustified, unlawful police encounters that were
3 not in fact based on reasonable suspicion. Today,
4 officers utilizing the NYPD's Criminal Group Database
5 rely on similarly inconclusive information such as
6 "wears colors associated with gangs" to designate
7 individuals as gang members. Because gangs do not
8 have clearly defined membership, reliance on this
9 type of imprecise descriptor like the terminology at
10 issue in Floyd is troubling at best and
11 unconstitutional at worst. Given the likelihood that
12 the Department misidentifies innocent individuals as
13 gang members, the Criminal Group Database raises
14 serious concerns about the violation of individual's
15 due process right. As the NYPD just testified, the
16 NYPD does not notify individuals of their inclusion
17 in the database, nor does the Department provide a
18 mechanism for individuals to challenge their gang
19 designation. It's unclear what happens to the
20 information that the NYPD now claims to rid its
21 database of once individuals have been identified as
22 no longer being gang affiliated. Without these
23 safeguards, the NYPD's database places innocent New
24 Yorkers, primarily people of color, at substantial
25

1 risk of continuing civil rights violations. These
2 concerns led LDF and the Center for Constitutional
3 Rights, CCR, to serve the NYPD with two separate FOIA
4 requests seeking information concerning the NYPD's
5 gang policing tactics. The NYPD provided minimal
6 information in response to the requests, refusing to
7 disclose the vast majority of the requested records.
8 The NYPD's lack of transparency prevents us from
9 understanding the full extent of the problems at
10 hand. While the NYPD attempts to distinguish itself
11 from other jurisdictions with gang databases like
12 Portland and Chicago and California, it's important
13 to note that advocates in those jurisdictions have
14 raised similar concerns about the constitutionality
15 of their gang databases. As a result, in Chicago,
16 the Inspector General has committed to auditing the
17 database and investigating how Chicago police gather
18 information about alleged gang members. In
19 California, concerns led to a statewide audit that
20 revealed the database Cal Gang was plagued with
21 errors, leading law makers to pass legislation to
22 bring additional accountability and transparency to
23 Cal Gang and other shared databases in the state. In
24 Portland, the revelation that the gang database
25

1 served as a tool for racial profiling led to its
2 dismantling. The NYPD's gang database, which the
3 Department admits to using for leads to build
4 criminal cases, demands closer inspection. Law
5 enforcement officials tout the NYPD's gang policing
6 tactics as effective tools to combat alleged
7 violence, but this sanitized narrative ignores the
8 substantial harm of gang take-downs, that gang take-
9 downs inflict on communities of color, and exaggerate
10 the danger that arrested individuals pose to society.
11 While a small number of people arrested in gang take-
12 downs are believed to have committed violence or
13 otherwise serious offenses, most are accused of only
14 low-level misconduct. Prosecutors then rely on
15 conspiracy statutes to demonize those who commit
16 petty offenses by implicating them in violent crimes,
17 and police officers rely on the gang database to
18 track and surveil young men of color, effectively
19 criminalizing friendship. We welcome the opportunity
20 to meet with City Council Members to discuss this
21 topic in greater depth, but meaningful reform
22 requires transparency from the NYPD. Today, we ask
23 that the New York City Council do three things:
24 Encourage the NYPD to comply with FOIL requirements
25

1
2 and disclose all records responsive to LDF and CCR's
3 FOIL Requests. Create a process to amplify the
4 voices and solicit input from affected community
5 members to gain a greater understanding of the issues
6 described today; and join advocates' calls for a
7 formal investigation into the NYPD's gang policing
8 practices by the Office of the Inspector General for
9 the NYPD. Thank you for taking the time to consider
10 this vital and pressing issue.

11 CHAIRPERSON RICHARDS: Thank you.
12 Anthony?

13 ANTHONY POSADA: Good afternoon. My name
14 is Anthony Posada. I am the Supervising Attorney in
15 the Community Justice Unit of the Legal Aid Society,
16 and I want to thank Chairman Council Member Donovan
17 Richards for holding this hearing as well as all the
18 other Council Members present for their questioning.
19 Thank you all. I have submitted my comments and
20 testimony which you all have a copy of, but I want to
21 address in my short time here, many of the points
22 that were made by Chief Shea, and I want to start
23 with this point that keeps coming up. If the NYPD is
24 going to come up here to frame this as a public
25 health issue, as an issue that it is against

1 violence, I don't know how we're achieving safety and
2 health in our communities with raids and with racial
3 disparate practices that have no transparency. If
4 that is what takes us to health and safety, I don't
5 think I want to be a part of safety that has to do
6 with racial disparate practices that are implemented
7 by the NYPD. So, I want to just make that absolutely
8 clear, because when Precision Policing comes up what
9 we hear is that with all this high-tech equipment
10 that we were shown how these videos were able to
11 capture these young men doing these things. Nobody
12 is looking at this and saying we should be helping
13 and assisting through a lens that is not a raid and a
14 military-style tactic, but it is actually meaningful
15 and provides resources to those on those same videos
16 so that they can have actual opportunities in their
17 communities. So, that is what takes us to public
18 health and safety, not this term of so-called
19 Precision Policing that is a dragnet over our
20 communities, our own children, our mothers and
21 sisters and daughters. So, if the idea is that we
22 can sit on surveillance that is widespread and
23 prolific for two to three years, watch these things
24 happen, and come down four years later and say that

1
2 now we have a raid, and we got all the savages and we
3 got all the goons, which is the same narrative and
4 the same words that have been used since the Central
5 Park Five days. And that injustice, to be clear, was
6 not just done by the NYPD, because prosecutors had an
7 active hand in making sure that that happened. So,
8 when the Central Park Five come back to talk to us
9 about what they lived through, what is the part that
10 we are not hearing when they say that youth,
11 especially of color in vulnerable communities, should
12 not be treated this way, and that the police should
13 be more mindful, that the police should be more
14 deliberative? The police should not do so much
15 policing that is raids and this so-called Precision
16 Policing, because that is the message that we need to
17 hear and take in. The Chief brings up Gun Violence
18 Awareness Month. Yes, we're here, and I was with
19 many of you on these same exact steps outside
20 celebrating the successes of the Cure Violence Crisis
21 Management System who are bringing down violence, gun
22 violence, connecting people to meaningful
23 opportunities so that they can engage and transform,
24 not so that they can be put on a black list to be
25 looked on through a microscope as if they were a case

1 study. Also, the Crisis Management System is a 30-
2 million-dollar investment next to a six-billion-
3 dollar institution. Okay? So, if we want to talk
4 about real resources coming down, I hear you Council
5 Member Cabrera, loud and clear, because they need
6 those resources. They need it. They are walking
7 around without vests, without guns, without cameras
8 on every single block, and doing the work that is
9 meaningful and that is real and that is bringing
10 people from a certain place to a place where they now
11 can look at life and see life differently. That is
12 change. That is public health and safety. The
13 communities that this chief is talking about sounds
14 to me like Fallujah, or like ISIS. That description
15 that was just given about the communities and what is
16 happening there sounds like a war-torn area. That is
17 not the communities that I'm going to in the
18 Community Justice Unit to support the Crisis
19 Management System. That is not what I'm seeing. I'm
20 seeing people saying we need help, we have been
21 ignored, we have been over-policed, and now that
22 somebody is here listening, can more of that happen?
23 Can we get more resources so that that can happen
24 more effectively? The John Jay Center for Research
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2 and Evaluation did its study on the Crisis Management
3 System, so did the Center for Court Innovation. The
4 Wall Street Journal has mentioned our partners. The
5 New York Times has mentioned our partners. Fox Five
6 News mentioned them, and a cohort of the youth from
7 Crown Heights and Bed-Stuy went down and marched on
8 Washington on the very issue of gun violence. So,
9 that is youth engaging with the problem in their
10 communities in a lens that is actually about public
11 health and safety. The mafia, because that was
12 brought up by the Chief as well, if that is the focus
13 of why these raids were launched in the first place,
14 the crews that they are talking about, the young men
15 and woman that are subject to the take-downs and the
16 raids, I can tell you right now that they're not Al
17 Capone. They're not John Gotti. They're not putting
18 bodies in the river left and right. They are not in
19 charge of multi-million-dollar operations. Yet, why
20 is it that all these raids take place in NYCHA
21 buildings and the majority in communities that are
22 marginalized? So, this is the only place in New York
23 City where crime in this alleged group conspiracy is
24 taking place, because if we are to believe that, then
25 something is off, because that cannot be the case.

1
2 And if we hear things like it is unfortunate that
3 this number is so racially disparate and skewed, then
4 that is similar to saying that we are okay when that
5 was what we were hearing for marijuana arrests, that
6 it was always people of color who were subject to
7 being arrested on this matter. It was the same thing
8 that we heard when it came to those who were subject
9 to being charged with not paying for the subway,
10 which is the quintessential crime of poverty, but it
11 so happened that those arrests were also concentrated
12 in communities of color. So, if we hear the same
13 thing here, then we need to understand that what that
14 means is that we are okay with this police practice
15 jeopardizing the integrity of justice. Because those
16 statistics just don't stay there. They continue to
17 follow the person. I wanted to raise those points,
18 but primarily I also wanted to say that in the
19 community justice unit we launched the campaign so
20 that New Yorkers could try to find out if they are in
21 the NYPD gang database. Well before there was an op-
22 ed that said that such a mechanism already existed.
23 Well, what happened to the hundreds of people that
24 have so far participated in the campaign who have
25 been denied outright to know whether or not they're

1 in the database? Ninety-nine percent of them denied
2 outright. So, where was the mechanism then? And why
3 is it that we have to engage through a Freedom of
4 Information Law request followed up with an appeal in
5 order to finally know whether or not this person is
6 in their systems for things that did not even result
7 in a conviction. So, it is wholly inaccurate and
8 disingenuous to come here and say that there was a
9 system suddenly put in place that cut down the
10 numbers when hundreds of people have been trying to
11 find out if they are on it and they are being denied.
12 Also, according to the numbers, it is not two percent
13 of people who are below 18 years old. If you do the
14 numbers, if it's 1,460 it comes out to 8.35. It's
15 closer to 10 percent. So, that 10 percent of people
16 who are under the age of 18 are not getting notices.
17 This whole idea that the police are coming into the
18 communities to connect with parents and teachers,
19 where is that happening? Because I am not seeing it
20 in the work in the communities that I am at, and also
21 when the Chief Harris says that they are doing gang
22 takedown debriefings in conjunction with the Mayor's
23 Office for Criminal Justice, well guess what? We go
24 to those debriefings, and we know that the community
25

1 is not being told that there's a mechanism to find
2 out if they are in the NYPD gang database, and I can
3 tell you that after one of those debriefs a mom came
4 up to me and said, "My son was subject to this raid,
5 and they did not even-- I just learned that they were
6 observing him for the last four years." So, in those
7 last four years, nobody could come and try to connect
8 my son or tell him not to do the things that they saw
9 him doing, or connect him to a meaningful opportunity
10 to engage? And so these are the communities and the
11 parents that we have to engage because we don't have
12 the answers for them. We don't know how they can
13 find out because that mechanism never existed before.
14 So, the notion that the debriefs are areas in spaces
15 where people can be connected to meaningful resources
16 is not true. It is inaccurate. It is merely a
17 platform for the NYPD to celebrate its alleged
18 success and to point out all of its high-tech [sic]
19 equipment, because they don't even disclose all of
20 the cameras and different ways in which the youth
21 were surveilled, but they always says, "Don't worry,
22 ma'am, because we got the savages out of your
23 communities. We got the worst of the worst, so you
24 don't need to worry about anything anymore." So, if
25

1
2 you're facing an exclusion, if you're permanent-- if
3 you're being evicted from NYCHA, like that's not
4 something that we could really help you. So, that's
5 not something for us to deal with. And so where is
6 public safety? Where is the mission of keeping New
7 Yorkers to a quality of life that is meaningful when
8 these practices are all filled with racial injustices
9 that undermine our justice systems? We need to
10 figure that out. For the most part, as I said, in my
11 testimony-- I have shared a copy of it to all of you,
12 and I would just like to reiterate that we would like
13 for this body, for the Public Safety Chairman to
14 request that the NYPD Inspector General conduct an
15 investigation into the gang policing practices of the
16 NYPD. We are also adamantly asking for the
17 dismantling of the NYPD gang database and for the
18 opportunity to community groups to be part of a
19 coalition or a working group that looks at how this
20 policing practice takes place, because understanding
21 that credible messengers are in the best position to
22 reach people in their own communities where they are
23 from, that they are the ones that should be involved
24 in processes that look at people who should be
25 connected to opportunities instead of just

1
2 reiterating Council Member Cumbo's words, not look at
3 a list and say these are all the criminals. We're
4 not going to do anything with them, and we're never
5 going to reach out with them. And just let that sit
6 there and let the future Donovan's and the future
7 sisters go without having an opportunity to connect
8 to something meaningful. Instead, they will be met
9 with the full course and weight of the criminal
10 justice system which will scar their lives and their
11 communities henceforth. Thank you.

12 CHAIRPERSON RICHARDS: Thank you. I'm
13 going to ask everybody to stay within the timeframe.
14 I gave them a little bit of extra time because I know
15 how much work they put in. You may begin. State
16 your name for the record and who you're representing.

17 TAYLONN MURPHY: My name is Taylonn
18 Murphy. I'm representing the people, the people that
19 live in marginalized communities, the people that
20 have been subjected to these terrible ways. I'm a
21 Credible Messenger. I also been a Violent
22 Interrupter. Actually, they call me a Violent
23 Interrupter Specialist. I'm also the father of
24 Tayshana "Chicken" Murphy, young lady that was killed
25 in West Harlem by two misguided youth that we tried

1
2 to make it that they were gang-related. They might
3 have been gang-related, but their actions were their
4 own actions. They were individuals. I'm also the
5 father of a young man named Taylonn Murphy, Junior,
6 who right now is currently doing 50 years to life for
7 his alleged involvement with this conspiracy in West
8 Harlem. I think I bring a unique view to this
9 situation. I'm also the son of a father-- I'm also
10 the son of a father that was in law enforcement, so I
11 see things from different angles, many different
12 angles. I just want to touch on the fact of just the
13 idea of having 13-year-olds and 15-year-olds placed
14 in databases without any help or without parents
15 being informed about it is very troubling. Just to
16 hear the rhetoric, and you know, the propaganda that
17 I just heard would make Sigmund Freud's nephew, Eric
18 Bernays very proud, the originator of propaganda.
19 When you take these statutes and things that are
20 going on, the raids, how do you surveil a community
21 for four years and do no type of intervention? Ever
22 since my daughter died September 11th, 2011-- seven
23 days later we buried her, and from them seven days
24 I've been on the ground dealing with the trauma that
25 the community has faced, and who deals with the

1 trauma? Who deals with the individuals that don't
2 know how to process the things that happen in their
3 community, like murders and deaths? When do we go
4 out and start reaching them as opposed to vilifying
5 them and criminalizing them? We say that we have a
6 mental health issue, and violence is a mental health
7 issue, but how do you put out a fire with fire? How
8 do you see things going on and don't react to them in
9 a way that are conducive to the existence of our
10 youth? I heard a lot of testimony today. I heard
11 the NYPD be proud of arresting 103 individuals, but
12 do anybody know that those individuals that were
13 activists like myself working on the ground to bring
14 a truce between those two factions or two conflicting
15 groups with little to no resources, resources like
16 shoe strings and bubble gum. And to be a father that
17 has been affected so-- has been affected by this
18 violence and to be able to out there and to try to
19 help, I'm looking for help. I'm looking for the
20 people that are compassionate, that show empathy,
21 that understand that these young people, if we say
22 that 16-year-olds and 17-year-olds shouldn't be
23 charged as adults, and they can't understand what it
24 is to be an adult, and they don't have the mental
25

1 capacity to filter information as adults. How do you
2 wrap them up in a conspiracy statute? It's an
3 oxymoron. It makes-- it doesn't make sense. These
4 military-style raids, we have people that are going
5 into our communities, like, just like my comrade
6 said, like it's Fallujah. I can point you to a story
7 where a group of police officers went into an
8 apartment that they raided and a young boy was crying
9 because his brother was being arrested, and they
10 looked at that young boy and said, "Why are you
11 crying? We'll be back to get you in a couple of
12 years." These are the things that democracy is built
13 on. These are the things that humanity is built on.
14 I believe that there is definitely alternatives to
15 these raids, I think that having people like myself
16 that are committed, that are passionate, that have
17 been affected, that are effective in changing the
18 hearts, minds and souls of young people that might be
19 wayward, I think that we should put more investments
20 into that and more resources into that. And I don't-
21 - and I also think that we should use people that
22 understand our social and economical issues in our
23 communities. I just want to say one more thing about
24 Precision Policing. We wrote an op-ed yesterday, and
25

1
2 I don't think people really understand what that op-
3 ed said. In my daughter's second-- it was a second
4 trail. It was trial of Robert Co-- the New York
5 State against Robert Cardahena [sp?]. A Viper [sic]
6 Room Officer who watched the cameras said, and I
7 quote, that he seen two young men come out of a
8 building with a firearm, and he also said he seen
9 them menace another group of individuals with that
10 firearm. If we are supposed to be surveilling and
11 intercepting crimes, why weren't them young men
12 stopped? What happened was, them young men were able
13 to walk across the street, pass two buildings, chase
14 my daughter and my son into a building where they
15 locked the door-- where they closed the door, thought
16 it was locked-- that's a whole 'nother story-- and
17 caught her on the fourth floor and shot her down like
18 a dog. Then, it was a snowball effect, a chain of
19 events that happened that led up to 103 individuals
20 being arrested. Where is the accountability for this
21 person seeing this on the camera and not coming to
22 stop those individuals when they were menacing
23 somebody with a firearm? Where is the accountability
24 when NYPD in accepting the fact that that whole
25 incident and this whole saga could have been stopped

1 before it started? Why am I sitting here when I
2 should be sitting in Madison Square Garden watching
3 my daughter play in the WNBA? There's some real
4 fundamental issues, and there's some real fundamental
5 flaws in what we are dealing with. And if we don't
6 start putting integrity, morality, and the people
7 first, we are going to have some more serious issues.
8 I thank you.

9
10 CHAIRPERSON RICHARDS: Thank you. Thank
11 you for your testimony.

12 [applause]

13 CHAIRPERSON RICHARDS: We're joined by
14 Council Member Gibson.

15 BABE HOWELL: Okay, so my name is Babe
16 Howell. I'm a professor at CUNY School of Law, and I
17 have been studying databases, gang databases for
18 about a decade. I am the person who made two Freedom
19 of Information Law requests of the NYPD, one in 2011.
20 I eventually had to sue them in an Article 78
21 proceeding before I got the data on the demographics
22 of people in the gang database. I have made these
23 available to various groups, and I'm happy to send
24 anyone the full dataset that was provided. The first
25 FOIL was settled on December 31st, 2013, the very

1 last date of the previous Administration. I think
2 that might have been strategic. And then I did
3 another FOIL in 2017 and got a response by email on
4 March 19 of this year, 2018. The response this year
5 showed 17,452 new entries. My question, and I will
6 provide a copy of the FOIL request with how many have
7 been added and how many have been taken off, and the
8 response was 17,452 new additions under the de Blasio
9 Administration. I made a very narrow request,
10 different from the LDF and Legal Aid request, because
11 previously they had not provided me any of the MOUs
12 or information about how the gang database was set
13 up. They said that there was no purging mechanism.
14 I wanted to get exactly the same data that I got the
15 first time around so I could compare it. So, in both
16 instances, by the second FOIL I knew I can ask, "Who
17 have you added to the IDF gang database? How many
18 have you taken off?" Previously they said they had no
19 purging mechanism. That was confirmed today. They
20 said that they had taken off 2,706 that were
21 inactive, and I did add that to the numbers that I
22 had before. My information was there was about 6,000
23 prior to 2,000. I got that in an email from Legal--

1
2 CHAIRPERSON RICHARDS: [interposing] You
3 said prior to 2000?

4 BABE HOWELL: Five thousand nine hundred
5 fifty-one to be precise. I got that in an email from
6 NYPD Legal prior to December 1st, 2001. So, 2000 is
7 before. And then I had two databases that included
8 6,810 that were added through June 24th of 2003, and
9 another 14,727. The total ever added according to
10 them was 44,940, and I had these 2,706 inactive. If
11 there are discrepancies or inaccuracies in those
12 numbers, those are the ones that the NYPD sent
13 directly to me. I will say that it seems more
14 consistent than what we heard here today. He said
15 that we have halved from 34,000 to 17,500 in the last
16 four years, but he also said we've removed 3,700.
17 So, how do we get from 34,000 to 17,500? There was a
18 question about when they removed them. It may very
19 well be that sometime between the March response and
20 today they've done that thorough purging, and for
21 that I thank you so much for having these hearings.
22 I think without this hearing they would never take a
23 name off that database. What we know which is so
24 worrisome is they're adding at three times the rate
25 the prior decade in an era of historic lows of crime.

1
2 I also-- the third thing that I asked, "Who's added?
3 Who's taken off, and how much gang crime do you
4 have?" The information on gang-motivated averaged
5 180 gang-motivated on behalf of the gang or because
6 of a rivalry a year, 108. The gang-related, which
7 means any crime that we say is done by a gang member,
8 whether you know,-- so they're selling marijuana for
9 themselves or they get in a fight with somebody in a
10 bar, nothing to do with a gang, that average is 2,700
11 per year, well under two percent. 1.67 percent of
12 all FBI uniformed crime report would be gang-related,
13 0.1 percent gang-motivated. So, we have this historic
14 low, yet we're adding people to the gang database,
15 and he-- and the police testimony earlier added up 65
16 plus 24 plus 10 to equal 95 percent. I trust you all
17 noticed that equals 99 percent. Ninety-nine percent
18 people of color. And somehow, I guess there's a
19 separate database for the mafia and the Russians
20 because he said, "We're not putting them in." So,
21 we're in a world where the racial disparities are so
22 worrisome. There is-- of course, you seem to all
23 understand, there's no due process, no notice, no
24 right to appeal. We've talked a lot about under 18,
25 but California went from notifying parents and

1 juveniles to notifying everyone. Everyone should
2 have a right to know I'm being put in a gang
3 database. The due process impact on cases, the bail
4 is astronomical. What we heard from the NYPD today,
5 too, talking about we're building strong cases and
6 precision cases. What was probably most important
7 was we don't have to deal with prosecutors declining
8 prosecution anymore. We don't have to deal with
9 motions to suppress. They wrap up. In this case
10 there's two homicides, 103 people swept in Harlem in
11 a day, in the Bronx, 120, eight homicides, and those
12 homicides, many of them already solved. The people
13 are in jail. Some of the people they're squeezing
14 are in, but they wrap up the good with the bad. And I
15 have to say this, I watched a trial in the Bronx 120
16 of Carlito Allen apartment. He was just sentenced
17 last week. The prosecutor said this is not a gang
18 member. He sold marijuana in gang territory. He
19 could have only done that if he was associated. The
20 police officer who testified had substantiated IAB
21 complaints, substantiated CCRB complaints, six
22 lawsuits settled against them. I've seen that as a--
23 in the 103, too, the gang detective had six lawsuits
24 settled against him. So there's a lot of worry that
25

1 we may be wrapping up good cases with bad cases, and
2 in many of these cases we've seen like the predicate
3 act are sold marijuana, but they plead and did it, or
4 did a robbery but they got you four years ago. So,
5 we're taking people who have moved into their 20's
6 and pulling them in for things that they might have
7 done when they were 19, 18, even 21. Who would give
8 your college kid's social media account over to the
9 NYPD? So, what we-- there's so much to worry about,
10 and I'm well over time, but we don't know so much,
11 and they are giving us answers that-- they control
12 the narrative very much by releasing or not releasing
13 data. We don't know what they're keeping in terms of
14 photographs, social media, field information cards on
15 innocent stops. That's what gang units do. Instead
16 of a stop for stop-and-frisk, they stop somebody, ask
17 them questions, look at the things in their pockets,
18 and fill out an FI card. So, they may be doing stop-
19 and-frisk, and I believe they are, under different
20 circumstances. So we need a really careful review of
21 what the NYPD is doing, how they're surveilling our
22 youth. What are they saving? Are there any
23 procedures or protections. We do need notice to
24 everyone, and there is no basis. If they are claiming
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1
2 90 percent of these people have criminal records,
3 well just look at their criminal records. So, thank
4 you very much. We're in a world with very, very
5 little crime, but if we are going to arrest and
6 charge 50 people with conspiracy to commit a murder
7 or 30 people with a Rico [sic] to do a robbery, we're
8 not going to reap any of the benefits. And to those
9 of you who are concerned about absent fathers, that's
10 what they're taking out of these communities for the
11 conduct of others. Not for what they did, but what
12 for the worst kid in their peer group did. So, thank
13 you.

14 CHAIRPERSON RICHARDS: Thank you.

15 MRS. SMITH: Hi.

16 CHAIRPERSON RICHARDS: Press your button.

17 MRS. SMITH: My name is Mrs. Smith, and
18 I'm a mother, an activist. I've been involved with
19 youth organizations throughout New York City and the
20 state of New Jersey as well. I was a young mother
21 when I had my son, and that didn't stop me from doing
22 the right thing. I came from a good family. My
23 mother and father was a big support in my life, and
24 even though I had my son at a young age, I worked
25 hard. I worked three jobs. I went onto college, did

1
2 what I had to do, and instilled good values in my
3 children, okay. My community, what I heard today
4 from the police officers' testimony, this is not a
5 community that I've seen, growing up in, or raised my
6 children in. What my experience has been-- and I
7 can't get into the-- my son is-- has a pending case
8 in federal court. I don't want to get into any
9 particulars to discuss his case, because I'm afraid
10 of any kind of retaliation that could impact his
11 case. But I want to talk about the impact of that
12 that it's having on me and my family. This is his
13 young son. And when you talk about the absence of
14 fathers, my son-- this is his third child. He had
15 two children. His fiancé lost two babies as a result
16 of the NYPD's harassment to my son and family, okay.
17 I don't want to go into the particulars of the
18 history of that because there's pending litigations
19 as well. But I am disgusted and outraged that they
20 can sit here and say that they are policing our
21 communities in an effective way. No, they're not.
22 They have criminalized. They have come in. as many
23 times I lived in the neighborhood I lived in, I
24 can't-- there's not one person in my community that
25 can say anything bad about my son, okay, other than

1
2 the police who have come in there repeatedly swarming
3 the communities and looking and harassing and pulling
4 them over, and throwing them up against the walls,
5 and looking for something, okay, arresting them.
6 This is years of this being done to my son in this
7 community, okay? It has wore us down to where I
8 moved away, okay. And it's very hard, as you were
9 saying, Laurie. I hope you never have to go through
10 this. You said you have, you know, males. I never
11 thought I would be sitting here, okay, because how
12 they have my son criminalized and painted the
13 picture, that's not who he is. That's not who he is.
14 That's not how he's raised. And anybody that had met
15 him, okay, from attorneys and judges who have met him
16 and said, "This is a fine young man." And what the
17 NYPD has done and planted, okay, there's no trust.
18 They came into these communities. They're not
19 looking to help. They're looking to hurt, and that's
20 what they have done repeatedly. I've watched them,
21 okay. Nobody has ever knocked on my door and said to
22 me, "We see your son going down the wrong path. We
23 want to help." That has never been a conversation
24 from any NYPD, for any of the young people in the
25 community that he grew up with. We've taken the

1
2 time. My family and neighbors have taken the time to
3 build up young men and women in our communities, and
4 support them with little resources with no
5 recreational-- nothing, nothing. Y'all are well
6 aware of the issues, the lack of resources, the abuse
7 from the NYPD. They don't talk about who's on these
8 committees. Who sits here and put these young men in
9 these databases? I want to know. Why I want to know?
10 Because I'm pretty sure that the same ones that's on
11 those committees is the same one that's retaliating
12 against my family. Okay? They can cover up, and
13 they don't want to make it transparent. But it's
14 not-- it's thousands and thousands. This is a
15 nationwide issue, and it's affecting this young baby
16 right here. This is his one and only child. They
17 came in and kicked in, just woke this baby up at five
18 years old. Bunch of officers all over the place. He
19 had to crawl out his bed scared to death. What he
20 knows about his father is his father loves him. He
21 misses his father. He wanted to tell y'all when he
22 have to go and see him, the restrictions. He can't
23 hold his father. He can't kiss his daddy. This
24 hurts. It's destructive to our families. There's
25 better solutions. The resources is not there. I grew

1 up in-- when I grew up we had community centers. If
2 something was going on in our neighborhood, the
3 people in our community got together. When kids was
4 having disputes and fights, we would hash it out.
5 They were fighting, get back to being friends. Now
6 they want to sit here and say, "Oh, you know, your
7 association, we want to penalize you from years ago
8 from friends you have who may have done something.
9 We want to group you in. We want to put you in."
10 Now the feds get involved. Once you label them as a
11 gang member, do you know what that means for me and
12 family? Do you know what this means for this young
13 child right here? He might never have the
14 opportunity to have his father in his life. This is
15 devastating. My mother, today is her birthday.
16 She's 80 years old. She's laying in a hospital,
17 heartbroken. My mother was a school teacher who
18 worked with Special Ed children in the Board of
19 Education, and you know what she did? As bad as
20 those kids were she loved them. She took time out
21 for them. They came from different, you know,
22 backgrounds. Some of the parents wasn't in the home.
23 Some of them had drug problems. She showed them a
24 different way, and some of those kids graduated with
25

1 honors. And these police want to come here talking
2 about they want to come in our community, want to
3 help. They haven't did shit. This is why we're
4 where we at. They don't know nothing about us. He
5 sat here and he talked like he know. He don't know.
6 Everybody picked up on that. They don't know nothing
7 about us. They're racist. Call it as you see it. It
8 is what it is. From the Administration down, the
9 whistles that they're blowing, "Lock 'em up. Lock 'em
10 up." That's all I see on the news, "Lock 'em up." I
11 don't teach my grandson that. He sees it for
12 himself. He walk the streets, the minute he sees
13 cops his perception is-- you know what he calls out
14 and say, "Black lives matter." Five years old. He
15 loves coming to these kind of things. He loves to
16 learn. He likes to participate. As he say, "My
17 daddy's a good person." He needs his father. And
18 you know, I'm thankful that, you know, we holding
19 this hearing. I'm thankful for the organization.
20 When I found out what happened with my son, when I
21 looked at that, and I looked at the indictment, I
22 thought I was going to die. I'm like, this is not my
23 son. Who wrote this? What's all the secrecy here?
24 If you have so much, reveal it. Give it to him. Give

1
2 it to us. What are you holding this for? I tell my
3 son, if you do something wrong, own up as a man.
4 They don't want that. They want to incarcerate our
5 young black minority, Hispanic men. That's all you
6 see across this nation. And when they criminalize
7 them, when they write it the way they write it, it's
8 like they're writing him off. I don't have a fight,
9 because what if it goes to the Federal Court, my God,
10 he can't even-- he doesn't even have the bail the
11 minute they say "gang-related." They don't want to
12 hear nothing. You go into these secret indictments.
13 Who's there? Who's listening? These people don't
14 even know him. They just tell the story, and they
15 indict him. Now what we facing with? If he wants to
16 go to trial, we wants to go to trial. You're talking
17 50 to 100 years? These young people are getting
18 hundreds of years all for B.S. Everybody's well
19 aware. That's why we're here? What do we do? What
20 can I do? What can I do?

21 CHAIRPERSON RICHARDS: Thank you for your
22 heartfelt testimony, and that's why we're here today.
23 So, I want you to know we hear you, and you know,
24 that's why God put us in these positions, right, to
25 affect change in every way that we could. So, I want

1
2 to thank you for your testimony today. I know we do
3 have questions. I'm going to go to Council Member
4 Cabrera, and then I'll come back and I have about one
5 or two questions.

6 COUNCIL MEMBER CABRERA: Thank you so
7 much, Mr. Chairman. Your heartfelt stories, they
8 definitely touch the hearts of everyone who's
9 listening, stories that we hear often. You
10 mentioned, in both of your stories as parents,
11 resources. The reality is that right here in this
12 body and in the other side of this building, we're
13 the ones-- I want to keep it real. We're the ones
14 who allocate the resources. So, at the end of the
15 day-- I have to speak the truth. At the end of the
16 day, it comes down to the elected officials giving
17 the resources that you need and our community needs
18 to make it happen. That's why I have to go back to
19 the Cure Violence, Crisis Management, which I believe
20 is the best in the nation. The one we have right
21 here in New York City, bar none, bar none. In every
22 district we saw the numbers go down in a dramatic,
23 dramatic way. So my question to you is a question
24 that I asked previously, and this one even means much
25 more, because I believe that the reason why we saw

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2 crime go down is because of the good work that you're
3 doing, grassroots. I've been in the streets. I've
4 been out there at night. You're right, they don't
5 have the guns. They don't have. I mean, it's just
6 plain sometimes dangerous what you do in the streets
7 and working with the families, working with both
8 sides. It's very difficult type of work. What other
9 tools can you use right now? What other resources?
10 Are we talking about employment? Are we talking
11 about-- how much funding do you need in part,
12 precinct [sic], and area? My area have the BRAG
13 program. They do fantastic, and Bronx Connect, they
14 do fantastic work. What else do you need? Because
15 at the end of the day we're like the quota [sic]
16 masters. We say, hey, you need these resources? We
17 want to send them your way. We need to know, and we
18 need to give it to you.

19 TAYLONN MURPHY: Well, currently,
20 currently, I acquired a small contract working with
21 MOCJ, and what we do need is to be able to further
22 that contract or further those further resources in
23 the community. Actually, I'm in the West Harlem
24 community. I chose to go back. Not to say that I
25 wasn't there before, but I chose to go back to the

1 West Harlem community after coming from out of
2 Queensbridge where I helped implement a fabulous
3 program in Queensbridge that ended up having over--
4 well over 365 days of peace. I know Councilman Cumbo
5 was there when we got our proclamations. But I think
6 it boils down to maybe having some more job
7 developments, maybe having some more platforms for
8 young people that would like to be entrepreneurs. We
9 do have-- I have specific programs like Kids Behind
10 Cameras, trying to teach people-- trying to teach
11 people-- excuse me-- teach young people the arts and
12 empower them, trying to help them use certain
13 technologies. We have a STEM program. So, I think
14 it's just basically, like, sitting down and actually
15 hashing out, you know, the different things that we
16 can assist young people with and see where you can
17 assist in helping us.

19 COUNCIL MEMBER CABRERA: I agree with you
20 100 percent. I think, and alongside with my sister
21 Cher [sic], I think we need to-- my philosophy has
22 always been get the kids so busy doing good that--
23 that's the way we were raised, right? We had all
24 kinds of events that there would be, you know,-- this
25 is really at the end of the day they'll be too tired

1 to be engaged in anything else or even the
2 possibility. So we need to do better in that. I
3 will still mention the fathers. Let me tell you why.
4 When we started the process we went a whole year and
5 a half, two years in getting it together. I remember
6 we brought young men that were involved in crews.
7 There was one common theme. I'm not going to even
8 bring the data, because the data is very clear, but
9 that did impact me, because every single one of them
10 had the same story: my dad. And it's-- this is not
11 about blame. There are people who blame. I'm not
12 into blaming. That's not the field that I come from.
13 I come from the counseling field, [inaudible] mental
14 health counseling, doctors in counseling. That's
15 not-- come from the faith-based community. That's
16 not my world about blame. But there's something to
17 be said that we need to do better engaging the
18 fathers. Again, it's not excusing anybody else
19 behavior, not blaming. It's just we need to get them
20 engaged, because they do make a difference. And we
21 need the moms. Moms need help. They've been
22 carrying this load for many years, and they need the
23 reinforcements. And with that, I want to thank you
24 all for all the hard work, the Legal Department for
25

1
2 all the hard work that you're putting forth. I would
3 love to get, Professor, the data that you have. It's
4 very, very important that we have that data. It
5 means a lot in making the decisions as we move
6 forward. Mr. Chairman, thank you for all that time.

7 CHAIRPERSON RICHARDS: Thank you.

8 MRS. SMITH: Can I add one thing? When
9 you keep talking about the fathers, I mean, they keep
10 locking them up. Okay? We have to have better
11 solutions and stop breaking up the families. Okay?
12 There's too much of that, you know. He wants to be
13 with his son. He wants to be here, okay. He needs
14 his father, okay. They're locking up these men. You
15 look at all these institutions, they're filled with
16 them, okay. How can we help them? How can we keep
17 the family unity together in the interim of that, to
18 be involved with his life? I don't want him to be
19 without his father.

20 COUNCIL MEMBER CABRERA: We're here to
21 learn from you, literally.

22 MRS. SMITH: Yes.

23 COUNCIL MEMBER CABRERA: And I thank you.

24 MRS. SMITH: I have some information--
25

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2 COUNCIL MEMBER CABRERA: [interposing] It
3 means a lot.

4 MRS. SMITH: We have some solutions that
5 we can all sit together and make sure that we can
6 keep the family together in our communities. It
7 doesn't have to always resort to incarceration.
8 There's got to be other alternatives. There's
9 billions of dollars being allocated today. If you
10 can keep a family in a household, okay, put maybe
11 some resources into a home type of whatever they--
12 they lock down or whatever, but just keep them there.
13 It's a healthy-- it's healthy to have them involved.
14 We have to have-- we can't keep doing the same thing
15 and allocating billions of dollars that way. The
16 prisons is disgusting, okay.

17 ANTHONY POSADA: So, if I may, Mrs. Mary
18 [sic], I don't want to cut into your time, but on
19 this point, my father was incarcerated for 25 years
20 in this country and deported last year back to our
21 country of Columbia. So I am very familiar with the
22 absence of father syndrome, mass incarceration in my
23 own body, not as a theoretical thing that I have
24 studied. So, I hear you loud and clear, but I also
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1
2 am aware that I'm a part of a community that was
3 there to hold me down when that void existed.

4 COUNCIL MEMBER CABRERA: True.

5 ANTHONY POSADA: But if my community is
6 constantly surveilled and subjected to these
7 practices it will be consistently deteriorated and
8 chipped away to the point that it is on its knees
9 dying, constantly, literally. And so something that
10 should not go unnoticed is the mention of Cease Fire
11 as a program from the Department that is connecting
12 people to resources. That is not true. We have
13 clients who we represent in the Legal Aid Society who
14 have been subjected to these Cease Fire mandatory
15 callings that coerce them into giving up information
16 about their community members in the disguise with
17 faith leaders passing as the program that connects
18 people to services. I don't know a single person that
19 has been connected to a service in the Cease Fire
20 program. I know people who have run out of meetings
21 afraid of the consequences that were coming attached
22 to this. And we know people who having open cases
23 are told by DAs, "You are part of a Cease Fire
24 program. There will be no plea bargaining with you
25 anymore, and you must tell us everything you know."

1
2 So, yes, police officers are putting people in the
3 back of cars asking them for their social media
4 handles and usernames so that they can see this
5 information, right? Because that's what the
6 detective said that there needs to be a probable
7 cause for an arrest. So when a young person does not
8 know their rights and does not know that they can say
9 I am not going to get in this car with you to engage
10 in this questioning with you, they do get in the car
11 because they don't know their rights.

12 COUNCIL MEMBER CABRERA: Would love to
13 sit down with you and continue this dialogue. I know
14 we've run out of time here, but literally, I would
15 love to sit down with you and see how we could be
16 helpful.

17 CHAIRPERSON RICHARDS: Majority Leader
18 Cumbo?

19 COUNCIL MEMBER CUMBO: Thank you. Words
20 really can't express what the loss of a child must
21 be. And so to you, I am so sorry for your loss. And
22 to the mutual mom here, I can understand also the
23 loss of a child during the process of bringing a
24 child into the world, and so my condolences also to
25 your family for the loss of life. And I think just

1 hearing the testimonies here today, it shows when you
2 see people of color, black people, brown people, when
3 you see us out and about we're all wearing a mask of
4 sorts. And so your ability to come here and testify
5 and to put your pain forward I know is a very
6 difficult process, to take that mask off and to let
7 people know what you're dealing with on a day-to-day
8 basis. I look at how-- and we've seen it with the
9 opioid epidemic, how we're able to utilize and to
10 study the opioid epidemic, and to see it as a mental
11 health issue, and to see that we can bring resources
12 together, and we can bring communities together, and
13 we can bring mental health, and we can bring support
14 together, but during-- as we saw with the crack era,
15 crack was not seen in the same way. It's almost the
16 same way with this. If we could look at this
17 particular epidemic an issue of crews or gangs-- as I
18 would say back in the continent, we were and always
19 have been a tribal people-- how can we utilize these
20 dynamics in order to help people? And I think to
21 Council Member Cabrera's question in terms of what
22 can we do, you all have stated when we understand and
23 recognize that young people are engaged in certain
24 types of behavior, we have to intervene and help and
25

1 support. And if we can do that, we can change the
2 trajectory of our young people, and I think that's
3 what the charge of today's hearing is how can we
4 identify young people that might be veering off the
5 path? As Council Member Fernando Cabrera has said, a
6 family structure is so important, but you know, it's-
7 - not everyone is going to have that. And so as a
8 result that everyone does not have that, how can we
9 shore up communities? How can we shore up families
10 so that they can have the support system? Nobody
11 wants to have a family that is separated or apart.
12 Nobody plans to have that in life. Circumstances and
13 situations happen. Sometimes certain situations and
14 circumstances happen to you, but it's how do you deal
15 with it and address it. So, I feel that we as a City
16 Council are charged here today with the
17 responsibility of everyone here, how do we intervene?
18 How do we connect resources? How do we bring our
19 young people together, because 27, as they said, is
20 the average age is still a young person to me? And
21 we need to treat a 27-year-old, you know, the same as
22 someone that's under 18 years of age. They still
23 need help and support, and someone that's 27 didn't
24 just come there at 27. They've been coming in there
25

1 since they were 13, 15, 19, 21, and beyond. And we
2 know that once our young people get caught in this
3 criminal system-- I've met so many mothers,
4 specifically, that have had to do all kinds of things
5 to get their child the best defense system that they
6 possibly could, totally wiping out and bankrupting a
7 family to get them the support that they need, and
8 even with that it's not adequate. And so there's so
9 much that we have to do today, and I thank you all
10 for sharing your pain, your stories, your life, and
11 solutions with us today. This has been really a very
12 emotional hearing today. So, I certainly appreciate
13 you all coming before us, and bringing our future
14 Council Member right next to you here to City Hall.
15 We thank you for coming to City Hall today, and we
16 hope that one day you're hearing these testimonies
17 today, that you'll be our next Doctor Martin Luther
18 King, our next Malcolm X, our next Adam Clayton
19 Powell, our next Barack Obama, because you have all
20 the potential to be that and then some. Thank you.

22 CHAIRPERSON RICHARDS: Thank you.
23 Question for anyone who wants to answer it. What is
24 your thoughts on the criteria that they utilize to
25 put people in the database? Can you compare what

1
2 they do to any other jurisdictions? So, I'm looking
3 for comparisons to see if this is just too narrow.
4 Should it be broadened more? Or what is your opinion
5 on that?

6 BABE HOWELL: So, I have copies of the
7 IDS gang entry sheet, and it sounds like from the
8 testimony today that nothing has changed. This is
9 what I got in response to the first FOIL. So, I got
10 this in 2013, but it has the same self-admission, two
11 reliable sources, which he said they have to be
12 independent but the list has example: precinct
13 personnel, intelligence, which is part of the
14 precinct, school safety which is part of the NYPD,
15 Department of Corrections, etcetera. And then two of
16 the other criteria: known gang location, etcetera.
17 This is pretty much standard in terms of gang
18 database criteria across the country, and one of the
19 reasons why I originally FOIL'd is because we had
20 this case Reno versus the City of New York where the
21 NYPD was sued for keeping a database of the innocent
22 people who were stopped and frisked, people who
23 weren't given a summons, weren't given any-- weren't
24 arrested for anything, more than 90 percent of those
25 stopped and frisked. They were keeping an electronic

1 database, and when that suit came down there was a
2 quick settlement and Governor Patterson signed
3 legislation saying you can't keep an electronic
4 database of people who have done nothing criminal,
5 and I was already studying gang criteria in other
6 jurisdictions. I said NYPD is going to start loading
7 the IDF, their gang database, with these people,
8 because not only can they keep the pedigree, but
9 photographs. They lift people's shirts. They take
10 pictures of their bodies. They-- a gang stop can
11 often be much more protracted. So, I think this is
12 what they're going to do, because this is par for the
13 course. There is one jurisdiction that I'm aware of
14 that has a gang database that requires an aggravated
15 misdemeanor and a minimum age of 14, that's the
16 Minnesota-- has two gang databases which makes it
17 very interesting. The one that requires the minimum
18 age and the aggravated felony is 36 percent white.
19 The one that has no minimum age and no requirement of
20 criminality is only 15 percent white, and it has
21 thousands, thousands, thousands more black and Latino
22 and Native American and Minnesota people. So having
23 criteria that don't require criminality leads to this
24 kind of-- this incredible disparity and the ability
25

1 to, yes, profile. And that is what is happening, and
2 I'm sure it didn't escape anyone that it was exactly
3 the same explanation they give for stop-and-frisk,
4 that victims of violent crimes are the same, but
5 keeping in 17,000 people for 180 gang-motivated
6 crimes, not needed. With the video cameras on the
7 street, they don't need these lists for anything, and
8 they really are saying, like, you know-- I gave a
9 thumbs up to Taylonn for something he said about the
10 other rival gangs, and I'm a crew member, a gang
11 member, and they're using social media tags and
12 labels. So this is par for the course, but I don't
13 think there's any good model, and I do think we need
14 to get rid of gang database and then recognize that
15 they will just call it an intelligence database or
16 something else. So, say, "How are you surveilling
17 New Yorkers? What are the minimum requirements? And
18 how can we constrain any sort of surveillance to a
19 situation where there's actual criminality, and it's
20 short and stops? Because so many of these people,
21 they were crew members. That doesn't make you a
22 criminal, but they'll come in and pull you in five
23 years later for a homicide, you know, conspiracy to
24 commit homicide that you didn't do, but hey, that you
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1
2 were arrested a couple of times for marijuana or
3 something else. People take time served. People
4 take felonies. The Bronx 120, everyone's pled guilty
5 to a felony except so far three have gone to trial.
6 They've been convicted. The one that I mentioned
7 earlier was convicted of a gun charge when the only
8 witness was a police officer that the jury did not
9 know he had been sued, and we had settled, we had
10 paid money for false imprisonment, malicious
11 prosecution, excessive force. Six lawsuits, plus his
12 kid had a lawsuit, and he had IAB for searching a
13 home without a warrant, substantiated complaint, and
14 a CCRB substantiated complaint. They are claiming to
15 clean up the streets, but they're cleaning up--
16 they're cleaning up, I think, some cases-- and this I
17 didn't know until I looked through-- with civil
18 complaints against them. So, it's really-- we need to
19 look, get rid of the gang database, ideally, look at
20 it very closely if we're going to keep it, have
21 external review, and also look at who is doing this
22 policing, because gang units across the country are
23 actually-- it's very interesting research that they
24 tend to have high levels of bias. They're re-biased
25 by thinking gangs 24/7. Joshua Carrell [sp?] did

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2 some very great research on that. They are often the
3 sites of corruption. The CRASH Unit was responsible
4 for the Rampart shootings, raids, everything else.
5 So we really have to be careful. It's easy to slap
6 this label on, but we don't have gang crime. We
7 don't have high violent crimes, but they're asking to
8 us to hand over the social media and everything else
9 of black, young men.

10 CHAIRPERSON RICHARDS: Thank you.

11 BABE HOWELL: And brown.

12 MARNE LENNOX: So, when I was listening
13 to the NYPD's testimony it sounded as if they were
14 trying to paint the criteria for entry into the
15 database as objective, and to my mind it is clearly
16 subjective. So, the Chief said that the majority of
17 folks who are in the database are in the database
18 based on two independent collaborating sources. But
19 in nearly the same breath the NYPD admitted that
20 people frequently lie about others' involvement in
21 shootings. So, they are in the one sense relying on
22 confidential informants, on these debriefings.
23 They're relying on intel that they're getting from
24 rival gang members to substantiate the gang
25 affiliation of other individuals. But in the same

1 breath they're admitting that this information is
2 inherently unreliable. So, I think there's a problem
3 there. There's also a problem with the third set of
4 criteria that the NYPD relies on which is this series
5 of different types of criteria, any two of which
6 could potentially involve you in the database. SO,
7 they talk about wearing colors and your presence at a
8 known gang location, having scars or tattoos that are
9 known to be worn by gang members. My problem here is
10 the term 'frequent,' and I have a problem with that
11 for two reasons. The first is that the word
12 'frequent' suggests that they are surveilling these
13 communities. If you are going to talk about entering
14 a person in a database based on their frequency, the
15 frequency with which they wear a particular color, or
16 the frequency with which they spend time in a gang
17 prone location, which by the way, most housing
18 developments are considered, you are surveilling
19 these communities to get to the point where you can
20 even begin to say this happens regularly, this
21 happens frequently. This is a course of conduct.
22 But then there's a separate component of that, which
23 is the subjectivity involved in deciding what is
24 actually frequent. How many times do I have to see
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2 somebody wearing red before I determine that they are
3 a member of the bloods? How many times do I have to
4 see somebody going into the same housing development
5 before-- instead of assuming that they actually live
6 there, I decide they're going there to buy drugs, or
7 they're going there to sell drugs, or they're going
8 there because they're gang-related. The criteria
9 that the NYPD is relying on is inherently unreliable.
10 That is my problem with the criteria. The flipside
11 of that, of course, is that to the extent that the
12 NYPD is relying on that same criteria to take people
13 out of the database, it's similarly ineffective. So,
14 to being you have-- the first criteria is self-
15 admission. In what sense-- when are they ever going
16 to take somebody out of the database who they're
17 saying admitted to being in the database? There's
18 basically no mechanism based on what the NYPD has
19 said for a person who has self-admitted to be
20 extracted from the database. What if a person, the
21 majority of people, are in the database because
22 there's two independent corroborating sources, says
23 the NYPD? How are they going to take someone out of
24 that? Do they need to have two sources of people
25 saying, oh-- do they have to have people going back

1 on their word saying, "Oh, no, actually I was wrong?"
2 Do they have to have multiple sources saying--
3 vouching for the person and saying, "No, no, actually
4 that person is not gang affiliated anymore." So, now
5 we're talking about the vast majority of people who
6 are implicated in this database really truly have no
7 mechanism for removal. So, it is problematic on a
8 variety of levels.

10 BABE HOWELL: I'm sorry, could I just
11 add? Even if it's 100 percent accurate, which it
12 wouldn't be, it's not a crime to be a gang member.
13 It is-- there's no reason to have this database. We
14 often focus on who's in it inaccurately, who was
15 never a gang member, who was a former gang member,
16 but for people who are gang members, being in this
17 gang database is dangerous. It is-- and it does
18 lead-- today, they said we don't even tell them about
19 marijuana arrests. No, they debrief anybody who's
20 arrested on a minor offense if they're in that gang
21 database; they'll hold them for hours. Maybe they
22 don't have that conversation with the police, but it
23 changes all the dynamic on how they're policed, and
24 each person should be held responsible for what they
25 do. In today's daily news they said-- the NYPD Shea

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2 said there's 7,500-- there's 500 gangs or crews,
3 17,500 members. That's 35 people each. They're
4 talking about every little block group is a crew to
5 them. So, they're accurate. You know, I'm a Make it
6 Happen Boy, that's a cute-- you know, these are-- and
7 that's a gang, and that's the name. You know, or I
8 live on Money Avenue, which is Manhattan Avenue, and
9 Manhattan stands for money, right? These are names
10 of groups that some of the kids do bad stuff, some of
11 them don't. That is not the reason for being. Kids
12 join crews-- it's in their NYPD stuff-- for
13 protection, for company, for lack of community.
14 Being in a group should almost be an opportunity to
15 work with that group. You know, what's going to be
16 our five-point plan? Employment, fair policing, get
17 on City Council, you know, don't-- having gang
18 database is wrong because the Supreme Court has said
19 it is not a crime to be a gang, and no one
20 criminalizes being in a gang all by itself. And
21 quite honestly, I don't see any reason why, like, a
22 gang member committing a crime should be treated any
23 more harshly than, you know, a rich white kid
24 committing the same crime. It's using fear and kind
25 of a coded bias to enhance punishment for-- often

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2 times, people with fewer opportunities and fewer
3 supports. So, sorry, I--

4 CHAIRPERSON RICHARDS: [interposing] Go
5 ahead, Anthony.

6 BABE HOWELL: the reliability thing is
7 not-- I just want to not get into the world we're
8 trying to take out the 14-year-olds and 15-year-olds
9 or the ones who are in there wrong, because the ones
10 who are correctly identified as crew members are
11 still our children, our brothers, our sisters, our
12 communities, and they will contribute someday if
13 given a chance.

14 CHAIRPERSON RICHARDS: Thank you.

15 [applause]

16 CHAIRPERSON RICHARDS: Anthony, last
17 remarks.

18 ANTHONY POSADA: I agree with Babe that
19 there is no one model that I can point to right now
20 to you so that you could see that this is something
21 that works, and it is sort of the end-all be-all. I
22 just don't know, and in reality, the conversation as
23 Babe just pointed out is really about how we
24 understand the word gang and what it brings attracted
25 to it, right? Because what's happening is

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2 dehumanization of people, of communities of color, in
3 which teachers are also playing a role in the
4 classroom to label their own students for things that
5 they believe make them gang members. So, what is it
6 that goes through this teacher's mind to consider
7 this person as gang-involved when in the world that
8 we live in, in this society, fraternities can engage
9 in a number of practices without ever having to
10 experience a rad busting down their doors to lock
11 them all up and parade them as the savages and the
12 goons who needed to get taken out. So we're rally
13 focusing about a dehumanization that is happening,
14 that has been happening historically that now brings
15 us to this point, and really those who are in the
16 best position to work with people that are going down
17 the wrong path-- and if we're going to bring up the
18 word gang-- that are in gangs, then the Credible
19 Messengers are in the best position, not a field
20 intelligence officer, once per precinct, PSA-- not
21 PSA-- Transit Authority, Housing Authority. So,
22 there's one field intelligence officer, 100 roughly
23 for a city of nine million, and we are to believe
24 that these are the people with the knowledge and
25 information of their communities to identify those

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2 that are engaging in the bad behaviors, because that
3 is not true, and what we know is that this person,
4 whoever they are in whichever precinct, is bringing
5 their biases and their prejudice to make the
6 classifications of who they believe to be the threat
7 and the aggression, which always ends up being people
8 of color.

9 CHAIRPERSON RICHARDS: Thank you all for
10 your testimony today. Thank you.

11 UNIDENTIFIED: Thank you.

12 CHAIRPERSON RICHARDS: Alright, we're
13 going to go to the next panel, Vidal Guzman; Victor
14 Dempsey, Legal Aid Society; Rebecca Kinsella,
15 Brooklyn Defender Services; Dante Barber, Friends of
16 Island Academy; and Jeremy Kaplan-Lyman from the
17 Bronx Defenders. So, Vidal Guzman, Just Leadership;
18 Victor Dempsey, Legal Aid; Rebecca Kinsella, Brooklyn
19 Defender Services; Dante Barber, Friends of Island
20 Academy; and Jeremy Kaplan-Lyman. Alright, I'll ask
21 you to-- because we have to get out of these chambers
22 soon, so we're going to ask everybody to really try
23 to stick to the time limits. You may begin. State
24 your name for the record and who you're representing,
25 and then you may begin.

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2 JEREMY KAPLAN-LYMAN: My name is Jeremy
3 Kaplan-Lyman. I'm a Supervising Attorney at the Bronx
4 Defenders. We're a holistic defense organization
5 that represents approximately 30,000 people in the
6 Bronx every year. I thank you for your time. I'll try
7 to keep my comments to things that haven't been
8 addressed so far. I just want to identify one aspect
9 of gang policing which I have not seen addressed so
10 far, both in the questions, the testimony of the
11 NYPD, and some other people that have testified which
12 is the way that this gang database is actually used
13 across the NYPD, and we're talking here about line
14 officers as well. The example I want to give of that
15 is a client that I worked with. When he was 15 years
16 old he was first told by a patrol officer that he was
17 labeled a gang member. When he asked a detective who
18 later questioned him about shootings in the area why
19 he was on the gang database, he was told it's because
20 of the company he kept, the people that he hung out
21 with on his block. When I talked to him about who he
22 hung out with, he told me that he hung out with the
23 people in his building and the people he grew up
24 with. Being placed on this database led to vast
25 changes in the way he interacted with the police on a

1 day-to-day basis. Before he was 18 years old he was
2 arrested over a dozen times. Most of those arrests
3 were for minor charges. Most of those cases were
4 dismissed. Several times he was arrested with no
5 charges brought at all, and he sits today without any
6 kind of criminal record despite being arrested over a
7 dozen times. And despite being in the gang database,
8 and we know he's in the gang database because he
9 brought a Civilian Complaint Review Board case
10 against some of his arresting officers, and they
11 admitted under questioning that that was one of the
12 reasons they would go and talk to him. I think that
13 brings up a facet of this, which is that being on the
14 gang database brings additional attention to you on a
15 day-to-day basis. It brings you in contact with
16 police officers. The NYPD Chief that testified
17 earlier stated that they remove individuals that
18 haven't had contact for three years from the
19 database, but the database itself is bringing police
20 officers into contact with individuals on that
21 database. Officers in each precinct know who is on
22 that database, and that is how they intercede
23 individuals who are hanging out on the street, and
24 that's for both suspected criminal activity and non-

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1
2 suspected criminal activity. Time and time again I
3 will interact with clients who have been repeatedly
4 brought down to the precinct to be questioned about
5 shootings in the area. They are not suspected of
6 doing any crime, but when officers come to talk to
7 them they are told that they will be arrested if they
8 don't agree to come down. And I think that
9 underscores that one of the costs of this is
10 surveillance not just in terms of individual's social
11 media accounts, but literally in terms of police
12 officers on the streets interacting with people,
13 taking their liberties away and bringing them to
14 police stations. I would also just point out one
15 additional facet of this which I think has been
16 highlighted to a certain degree. But this is effect--
17 - when we talk-- there was a lot of questions about
18 notification of parents. In my experience parents
19 actually know that their children are on the
20 databases, and they know because their children are
21 being disappeared off the street on a somewhat
22 regular basis by NYPD officers. They are aware that
23 there are allegations against them, and I-- the last
24 thing I want to state briefly is that if we're
25 talking about individuals with a choice of where they

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2 can go in their life, it's not just that the lack of
3 resources are there to create opportunities for young
4 people and families in this situation. It's also
5 that the NYPD's efforts in targeting people in these
6 unfair practices are carcinogenic in and of
7 themselves, and that is when people are treated
8 unfairly, the research shows consistently that they
9 are less willing to apply by the law and abide by the
10 law. So, it's actually these practices that are
11 potentially creating more crime and not less. Thank
12 you for your time.

13 CHAIRPERSON RICHARDS: Thank you.

14 REBECCA KINSELLAS: My name is Rebecca
15 Kinsella, and I'm an adolescent social worker at
16 Brooklyn Defender Services, one of the largest legal
17 service providers in Brooklyn, and I primarily work
18 with 14 to 21-year-olds facing criminal charges. I
19 want to thank the Council, and in particular Chair
20 Richards, for holding this critical hearing. My
21 testimony today is about the mass surveilling of
22 Black and Latino communities via the NYPD's secret
23 gang database, the immense harm caused by a gang
24 designation, and the need for alternative responses
25 to problematic youth behavior. NYPD uses arbitrary

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2 criteria to determine gang membership or affiliation
3 such as living in a known gang area, apparel, scars,
4 tattoos, hand signs, and relationships with known
5 gang members, and now we know, self-admission which
6 clearly needs defining. Significantly, commission of
7 any crime is not among the criteria. Consequences
8 for being on the database include heightened police
9 harassment, and for those who are arrested,
10 unaffordable bail, which triggers pre-trial
11 detention, heightened pressure to plea, an elevated
12 criminal sanctions, even in cases that may otherwise
13 be dismissed. Though the NYPD denies it, it is also
14 likely that local gang designations can result in
15 deportation for immigrant New Yorkers or loss, or job
16 loss. If not through direct information sharing,
17 then through harsher criminalization that negates
18 lawful status or eligibility for release. This
19 undemocratic policing tool exists at a time of
20 declining violence. And of note, the NYPD shared two
21 clips today that they had said were of recent
22 incidents, and one of which the incidents I know to
23 have not been recent because I worked with the young
24 man on the case, and so I know that that was-- not
25 only has the case been resolved, but was over a year

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2 ago. So, this undemocratic policing tool-- moreover,
3 the gang database is anything but precise and is
4 specifically targeting marginalized people that the
5 NYPD has long profiled and pursued. It is likely no
6 surprise to the council that inclusion in the NYPD's
7 gang database is racially disproportionate, and BDS
8 urges an immediate elimination in this database. We
9 also recognize the serious and lasting harm of
10 violence within communities, but as a social worker
11 who forms deep relationships with impacted people and
12 families, I have a very different conclusion than the
13 one drawn by the NYPD, namely that greater
14 opportunity is the solution, not repression and
15 military-style raids and mass arrests. And I'd like
16 to just briefly share two client's stories to
17 illustrate the individual impact that the gang
18 database has. Patrick, 17, was arrested for
19 allegedly trespassing in his own public housing
20 building. Before being taken away by police, his
21 mother showed up with a copy of her lease that
22 included his name. Nonetheless, police had him
23 handcuffed and taken to the precinct. He spent
24 approximately 50 hours locked up and in line-ups
25 before he was brought to arraignment on misdemeanor

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2 trespass charges. Despite the prosecutors having no
3 case against him, the process still had already
4 punished him. We believe the case against him is
5 without merit and will end either with a dismissal,
6 or more likely if he takes the plea, a noncriminal
7 violation, but we also believe that he is on the
8 NYPD's gang database and that's the underlying reason
9 for this ordeal. Secondly, David. We began
10 representing David when he was 18 years old.
11 Approximately three years prior to our meeting David,
12 he was shot not only in his own neighborhood, but on
13 his own block not far from his own front door.
14 During the pendency of his case, David was indicted
15 on allegations of gang conspiracy. David, who is an
16 incredibly smart young man, who I grew to have a very
17 deep relationship with, often engaged in
18 conversations with me about how lack of resources in
19 the community drove the amount of time he and his
20 friends would spend on the streets. He once observed
21 to me that every time a storefront would be under
22 construction, his neighborhood of Crown Heights
23 Brooklyn, he hoped it would be a resource for him and
24 his friends, but instead it was a newly planted flag
25 of gentrification, a coffee shop or a cocktail bar.

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2 While he awaited a resolution on his cases, David was
3 jailed on Rikers Island with peers in both of the
4 groups that had been snared in the gang conspiracy
5 allegations. David later wrote me a letter while
6 detained in which he outlined suggestions for
7 resolving the disagreements that he and the other
8 young men had, suggesting that prosecutors allow the
9 young men to engage in mediation to prevent further
10 violence by younger generations. But instead, he and
11 all of those young men are now serving prison
12 sentences. And so just briefly, I want to recommend
13 that we abolish the NYPD gang database, that we
14 increase funding for organizations using the Cure
15 Violence model, and that we allocate resources to
16 support rather than profiling marginalized
17 communities. Thank you.

18 CHAIRPERSON RICHARDS: Thank you.

19 VIDAL GUZMAN: Hey, how you doing? My
20 name is Vidal Guzman.

21 CHAIRPERSON RICHARDS: Press your button

22 VIDAL GUZMAN: It's pressed now. My name
23 is Vidal Guzman. I'm the Community Organizer for Just
24 Leadership USA that's leading the Close Rikers
25 campaign. The reason why I'm here is to really talk

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2 about this gang database and also understand as a
3 person that was the high-ranking member of the
4 Bloods, I understood why, you know, gangs was
5 actually created, and also how New York City is the
6 third generation of the Bloods and Crips. As you
7 know, in LA it's the sixth generation of the Bloods
8 and Crips. So we're at an early stage when we start
9 thinking about what it means of-- I wish the police
10 was actually here. You know, one of the things that
11 I learned and I kind of seen them talk about is them
12 covering up the wounds of-- the deeper wounds that
13 actually happening in our neighborhoods. Everyone
14 always talk about like the pill, the magic pill to
15 fix our community. And I think one of the things is
16 like investments. The most important things that we
17 talk about is the investments that are really needed
18 in these communities. Why is gangs even created?
19 What makes these gangs even create in these
20 neighborhoods where it's underfunded, a neighborhood
21 that has lack of education, life skills, housing, no
22 role models, some dealing with mental illness,
23 alcohol, drug problems. More generation of
24 generation of incarceration, and generation of
25 generation of trauma. Now, one of the things that I

1 don't think we're attacking is how do we end gangs?
2 And you know, it's a tricky question for the
3 individuals that don't live in neighborhoods that
4 hear of violence but never been in violent
5 situations. As a person, like I said before, that
6 was a high-ranking member of the Bloods, I've been in
7 situations where at an early age I became gang-
8 related at 14/15 years old, and before there was a
9 gang database there was actually a gang book that
10 each precinct used to know what individuals in what
11 neighborhood is doing what. So everything-- every
12 single day something happened in my neighborhood I
13 would be in school, and they would take me out of
14 school, and when the end of school happens, the end
15 of the day happens, they would take me out of school
16 if something happens around my neighborhood. It was
17 done so much that the principal had to step in and
18 say, hey, you cannot take him out my classrooms until
19 the end of school. This was when I was 14/15 years
20 old. What that created to the principal was that I
21 was gang-related, you know, that I-- this is all I
22 was worth. I never had a father figure in my life.
23 I've been in the streets since I was eight or nine.
24 I was selling drugs since I was eight or nine. I've

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2 been homeless when I was four and five years old.
3 So, when you talk about some of the conditions of
4 what poverty actually did to me. I'm not saying I
5 was forced, but I was influenced by individuals who
6 was my role models. We've all got enlightened to
7 figure out what it means to be successful in
8 neighborhoods, is that we forgot about the people
9 that, you know, we forgot. You know, people are drug
10 dealers, gang members and pimps. These are the
11 people that enlightened me. So, at 16 years old I
12 got incarcerated, and it follows me. As the police
13 talked about people talking about being in a gang,
14 that they never bring it up, that was brung up in my
15 case, and I was facing seven years at 16 years old
16 being tried as an adult. And I spent a year and a
17 half, close to two years on Rikers Island and came
18 home. I was 18 when I was on probation and was
19 harassed every single day, mostly every single day by
20 precincts around my neighborhood. I got re-
21 incarcerated at 19 all the way until I was 24, and I
22 dropped Blood at 23 years old. But I'm still in the
23 system right now. I'm on parole, and I can't be
24 getting off parole. One of the things that my parole
25 officer said recently is because not about the

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2 amazing work, that I've been a part of the Close
3 Rikers campaign for two and a half years, it's about
4 that I still have this little-- I'm still, to them,
5 I'm still gang-related. This still follows me. It
6 been following me forever. It's like it's not going
7 away. So, how do we really end gangs? You know, I
8 think it-- I said it before, more employment, more
9 education, life skills-- that's teaching an
10 individual how to tie a tie. To this day I still
11 don't even know how to tie a tie. That's why I
12 don't-- you know, I always keep all my ties tied.
13 Since my grandfather that was serving in Vietnam
14 actually tied all the ties before he left. How to
15 get a job, even typing up their job resume. Getting
16 individuals the help they need as alcohol or drug
17 problems. Get individual counseling and therapy-- out
18 there being a community, living in a community that
19 had generation of generation of trauma, watching
20 their father being kidnapped and sent to Rikers
21 Island. As we know, you know, the policy of closing
22 Rikers in 10 years, but you know, how can we do that
23 when we have police who over-abusing their power? I
24 live in a neighborhood that-- in Harlem where we have
25 eight precincts for a 45-block radius. So, what do

1
2 you call that? We can successfully close Rikers if
3 we're sending youth 16 to Rikers Island, and we are
4 creating that recycling door for them. and I think
5 one of the most important things that we should be
6 taking from LA is the Peace Centers and communities
7 to heal from gang raids or restoring justice or
8 having people who are doing the Cure Violence in
9 places where they're having Peace Centers for
10 neighborhood that is able to educate people or able
11 to heal from what police have been doing for the last
12 400 years. And one of the most important things, we
13 should also invest in these programs and these Peace
14 Centers for neighborhoods that they see that they use
15 gang raids, and you know, they eliminated the
16 violence that's happening around the neighborhood,
17 that doesn't happen. I live in neighborhoods-- a lot
18 of my friends that was incarcerated and part of this
19 gang raid. Three hundred individuals that was part
20 of the gang raid in Manhattan alone in Lincoln [sic]
21 a housing complex I used to chill with and used to
22 hang out with a lot of these individuals, they did
23 two gang raids and then they did a Fed raid. Now
24 becomes the real illusion of what it means doing gang
25 raids. It doesn't help out at all. So, what we

1 really need to understand, what exactly does it do?
2 If you're locking a person that's 20 years old, 19
3 years old, and you think that it's solving the crime
4 around the community, it's not. What is actually
5 happening is going down in-- that energy that you
6 took or whatever energy was created there, it falls
7 down to the younger generation. And the reason why
8 I'm here also is, you know, I had a lot of friends
9 when I was upstate, the last conversation I had with
10 him was a conversation with him telling me about when
11 he got caught in the Manhattan raid was-- he was a
12 good man, but he was misled just like us. He was
13 misled just like me, no father figure, no investments
14 in the community. And one of the things he told me
15 was in Ogginsberg [sic] Correctional Facility, and
16 one of the things he told me, he said-- we--
17 Ogginsberg, when you go outside you can see the
18 Canadian Bridge when you walk outside. And one of
19 the things he said, he said, "You know how I got to
20 go back to court. They're trying to give me 25
21 years." And I looked at him and I promised him that,
22 you know,-- and one of the things he told me, he
23 said, "I'm going to make sure-- make sure that this
24 is-- I hope this doesn't happen to anyone." And I
25

1 told him that I would make sure that this doesn't
2 happen to anyone in the neighborhoods. So, I think,
3 you know, what do we really value here? We know this
4 is the stop-and-frisk 2.0. We know this, what is
5 actually it's doing. And you ask what it means to
6 end gangs in the neighborhoods that are not having
7 role models. We see people from different colors in
8 these hands from black, white, green, telling you
9 what exactly it means. For us to really successfully
10 close Rikers and invest in these communities and
11 build communities for us, is to make sure the things
12 that are feeding Rikers Island. That's kidnaping
13 fathers. That's kidnapping mothers and kidnapping
14 anyone.

16 CHAIRPERSON RICHARDS: Thank you. Thank
17 you for your testimony.

18 DANTE BARBER: Good afternoon. My name
19 is Dante Barber, and I'm a youth mentor at an
20 organization called Friends of Island Academy where
21 we work directly with the youth and go to high
22 schools and talk with the youth, middle schools,
23 whatever other community-based organizations that we
24 decide to partner with, we work with them as well.
25 And I've been with that organization for a year since

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2 I came home from my incarceration, which was last
3 year in May when I was released. And you know, my
4 experience with these gang raids comes from when I
5 was indicted on federal charges, the morning that I
6 was arrested was the morning of September 27th, 2011,
7 and that morning I remember vividly at like 5:00 a.m.
8 ATF banging on my door. My door wasn't kicked down
9 because my mother opened the door, and I was at the
10 door with my mom. They asked for me. I said, "I'm
11 Dante Barber." I confirmed who I was. They already
12 knew who I was. They had my picture. They put me in
13 the hallway, detained me. Despite me being already
14 detained, they ran into my house, you know. The
15 warrant was originally for them to detain me and
16 search my room. It's only two bedrooms that we had,
17 my mom's room, my room. My little brother and my
18 sister shared a room-- my little brother shared a
19 room with me. My sister shared a room with my mom.
20 They end up searching both rooms and just destroying
21 my house, and that right there just led to so much
22 trauma from a mental standpoint, and also a
23 standpoint from where my moms was kicked out of
24 housing and homeless from like 2012 to late 2017.
25 That really messed us up. And the charges that I was

1
2 picked up for was from when I was 16 years old and 17
3 years old. The time of my arrest I was 18 years old.
4 So, that means all them-- for those years, I was just
5 like out there. So, all the crimes I was a part of
6 or committing allegedly, or whatever, it was no
7 stoppage. They couldn't stop it or couldn't inform me
8 or inform my parent, or-- it was nothing being-- I
9 was just being under surveillance. And I feel like
10 that kind of policing, that doesn't work. That
11 doesn't-- how-- what type of job is being done.
12 There's no real policing. It's just you just
13 watching somebody. You get a load of information and
14 you feel like, oh, now I'm going to put him away, but
15 you're not giving people the opportunity to change,
16 the opportunity to be pulled up on their mistakes or,
17 you know, take them off that path, because you're
18 watching these things go on, and you're letting the
19 level of criminal activity, if they're a part of
20 that, increase. So, just from my experience on that,
21 every time I-- since I came home and been back in
22 society and been able to, you know, see things and
23 see people that been through the same things that
24 I've been through, I feel like, you know, these gang
25 raids and even the gang database just continue to

1
2 leave holes in the community, and it's going to
3 continue to spark these conversations where we're all
4 in a room and we all got different views, but we not
5 coming to no solution, because these things are
6 still-- still exist. You know, so that's just my
7 point of view and my share on it.

8 CHAIRPERSON RICHARDS: Thank you. Thank
9 you for your testimony.

10 VICTOR DEMPSEY: Good afternoon. My name
11 is Victor Dempsey. I'm a community organizer at Legal
12 Aid Society. Thank you for having us here, Chairman,
13 and thanks for holding the hearing. We appreciate
14 it. I definitely wanted to touch on some key points
15 that I heard the NYPD mention earlier. First is
16 their three-year purge thing. I'm going to tell a
17 story about that to tie all of it in. And also, how
18 it's not 100 percent accurate, because they do have
19 wrongful labels that do happen, and there's shared
20 data, and I will tell you how I'm going break all
21 that down for you now. So, at three years old my
22 mother passed at a young age, and from there me and
23 my brother and my sister, we grew up in foster care,
24 group homes, were adopted at a young age. I had to
25 deal with some issues, but didn't really have the

1 family. Me, my sister, my brother, we did not grow a
2 family whatsoever. So, growing up, we pretty much
3 leaned on each other and not having a father figure
4 or a mother around, it was a void that was being
5 filled, or I had to fill, so to speak. I wasn't a
6 bad kid, but it was this longing to belong somewhere,
7 a longing to feel some type of constant love that you
8 don't get when you're bouncing around in foster care
9 or group homes. At 15 years old I became a Blood
10 member. I was a gang member for a really long time,
11 but I didn't actually engage in too much criminal
12 activity as a gang member. I was one of those kids,
13 I played part [sic] one [sic] of football in Brooklyn
14 for Mo' Better Jaguars three years, won three state
15 titles. Went to George Gershwin Junior High School,
16 and Vance [inaudible] in Brooklyn for special-- for
17 gifted students program. I had nine periods. I did
18 really good, and I was a Blood member. At George
19 Gershwin I was actually drafted to a Prince William
20 County Prep which is in Virginia, and I played for a
21 private school, and I played football there. After
22 graduated I came home, and I got locked up. I got
23 into a big fight. I don't know how many people would
24 remember, but in Brooklyn they had this big skating
25

1 ring called Empire Skating Ring. Every Friday night
2 was "teen night" and that's what we used to do. We
3 used to go out and hang out. I was a pretty big kid,
4 played football for years, but I got locked up at a
5 very young age, 17 years old, just graduated high
6 school. I was home for maybe a month and a half
7 preparing to go to college, but that never happened.
8 So, I go to Rikers on an attempted robbery charge,
9 which actually wasn't a robbery, but that's how they
10 chumped the charges up to be, and assault. While on
11 Rikers I was at C74 building. This was 2003. That
12 was gladiator school to its fullest. Luckily, I was a
13 big kid because other people were not as fortunate to
14 have my size, and they did not have a good time on
15 Rikers. So, to break up the point of wrongful
16 labeling, which is not accurate. I was a Blood and
17 my whole neighborhood knew I was a Blood. That
18 doesn't mean I was a bad kid, but for some strange--
19 and I did not know this at this time either. I was
20 labeled as a Crip going on Rikers Island. If people
21 have been on Rikers Island, it's very segregated.
22 When they put a label on you, they tend to put you in
23 either three main house or one main house or whatever
24 the house may be that's-- they pretty much cluster
25

1
2 all the Bloods. They'll cluster all the Kings
3 together, whatever. So, having the wrong label can
4 kill you. Having the wrong label and them putting
5 you in a house that's completely opposite of what you
6 are can kill you. That's a public health issue. And
7 I don't believe that what NYPD's saying today just--
8 and I know, Council Member, you was bringing up with
9 the blue hat, you know, and I heard the NYPD saying
10 about scars and tattoos. I've seen firsthand where
11 those scars and tattoos are misinterpreted. Just
12 because someone has a scar on their face, it doesn't
13 necessarily mean they've been in jail. Excuse me.
14 Upon getting sentenced I went up north. I went to
15 Downstate [sic] Correctional Facility first. As soon
16 as I got to the Downstate Correctional Facility I was
17 met by a lieutenant who I guess was their gang
18 specialist of some sort. They stripped us naked. He
19 looked at my tattoos, which I didn't have as many as
20 I do now then. But he looked at me and he goes,
21 "Where's your burns?" And I said I don't have burns.
22 He goes, "You don't have no pitchforks or nothing?"
23 I'm like, "What are you talking about?" Again, I did
24 not know he was referring to any type of database or
25 any information. I was legitly [sic] clueless. And

1 I'm just like, "A pitchfork, what?" So honestly, I'm
2 a blood and I know what a pitchfork-- this guy is
3 crazy. But I'm looking around in that cage to all
4 these other inmates that's sitting around me
5 wondering what we're talking about. So, my life was
6 in jeopardy at that moment. Fast forward a little,
7 came home, I had no issue. I did my time, I came
8 home. I decided I had to make a change in my life as
9 well. You know, being in there-- and I had to fight
10 in jail. I had to make sure I was okay. I had to
11 protect myself. That was not something I wanted to do
12 the rest of my life. So, I came home, decided to get
13 it together. Fast forward to November of 2017. This
14 time I'm a very successful chef. I've cooked two
15 times at Jacob Javits Center. This year I was
16 working at Chelsea Pierce [sic] for entertainment
17 cruises as a sous chef on yachts. I'm driving home.
18 I'm coming through East New York. I get pulled over.
19 At this time I'm really, really tired. I worked a
20 double that day. So, police officer pulled me up. I
21 have no problem, pull over, get my licenses and
22 registration ready, but I'm very cautious about how I
23 proceed with the officers, and the reason why I'm
24 cautious because the year prior, July 4th, 2016, my
25

1
2 brother was murdered by NYPD officer Wayne Isaacs, in
3 an off-duty incident in Brooklyn. So, I'm very
4 cautious when I deal with police officers, even
5 though in my capacity I deal with them every day but
6 when you're being stopped, when you're being
7 questioned, it's a different way they approach you.
8 So, I had to keep my cool in that moment. So, fast
9 forward. The officer approaches me. I give him
10 information. He walks back to the Cruiser. I'm
11 standing there thinking okay, whatever he's going to
12 give me tickets for, no problem. He comes back a few
13 minutes later. He asked me to step out the car. I
14 asked him why. He said, "You'll understand in a
15 second, but please step out the car." At that
16 moment, I know my rights, I could have argued with
17 him or combatted him, but I said I'm too tired. I
18 want to get home. As soon as step out the car I'm in
19 handcuffs. I'm asking him why am I being detained.
20 Why you putting the handcuffs on me? "You are being
21 detained but you will know in a second. Please, just
22 calm down." Not only does he not sit me on the
23 sidewalk like they do. Most people will stand up by
24 the back of the car or by the trunk or something. He
25 places me in his cruiser in the backseat with

1 handcuffs. As you can see, I'm a big guy. I'm very
2 uncomfortable in the back of a squad car. It does
3 not feel good. So as I'm shifting around, and I'm
4 trying to just, you know, get a little conformable
5 for whatever, and I'm a little aggravated because I
6 don't know why I'm in this car. I'm looking at the
7 policy monitor. There's a mugshot of me, and it says
8 "security risk." That moment I know I was in the
9 damn gang database. Excuse my language, but I was
10 highly pissed off, because this is just last year,
11 and I have not been in trouble for over 13 years.
12 I've completed my time. I've got certificate of
13 release, everything, whatever I could do. I've been
14 an advocate for numerous things. I've done a lot.
15 So, for that to be-- for me to be reminded of my past
16 in that instance threw me for a huge loop, and mind
17 you, this is only eight, nine months ago. This is
18 before my capacity as a community organizer for Legal
19 Aid Society. So, had I not got involved with this
20 campaign and understood what the gang database was
21 about, I would not know how to combat this. So, that
22 what I wanted to bring up as far as me just learning
23 this last year, which I did for myself as well, that
24 three-year purge is B.S. That three year-- they are
25

1
2 not going back in and identifying people who aren't
3 engaged or active anymore. They're not doing that,
4 and the information that they're getting, who's to
5 say-- they're saying they're not sharing this
6 information, that's not true either, because even
7 when I got paroled, you know, parolees when you're
8 coming out and you're being released and you're
9 giving them an address, they get notified. Your
10 parole officer is notified from Department of
11 Corrections who is coming, what area they're coming
12 to, and if you're in a gang or not. And what the
13 parole officers do then, is if you're in a gang,
14 you're on a different level of parole. It's not
15 level one or two, you're level three. You're a
16 higher risk parolee now. So they're watching every
17 single thing you're doing. You cannot move to a
18 known gang location. You can't do any of that
19 things. You can't do any of that. And remind you,
20 at that time that I paroled, I still didn't know I
21 was in the gang's database, because my parolee-- I
22 mean, my parole officer didn't even let me know. I
23 just didn't know why I was going to report every two
24 weeks and everybody else was going every other month,
25 but I figured it out. So, but the shared data, it's

1
2 B.S., because they do go back and forth and they do
3 work in conjunction with Department of Corrections,
4 and that's just like if they're going out for a
5 warrant, right? They're going to contact a parole
6 officer or someone and say, "Hey, do you know this--
7 is this your client? We need to find him." So,
8 they're sharing this information interdepartmentally,
9 which is ridiculous in that they were saying a lie.
10 And the last point I would like to bring up, too, is
11 just the police interaction. And with that story of
12 me saying I stepped out the car willingly the day I
13 got stopped, it's because, again, you know, I'm a big
14 guy and I'm not scared of a lot, but I was honestly
15 scared. I-- since my brother was murdered I didn't
16 have any personal police interactions, meaning being
17 stopped and frisked. I'm lucky enough to not have to
18 go through that, but that day I got pulled over I was
19 truly scared. And when he first approached the car
20 and just asked me for my license and registration it
21 was regular. It was like, okay, here. I'm just
22 going to sit here and wait, looking my rearview, see
23 when he's coming back. But when he approached me the
24 second time, it was a completely different demeanor.
25 And also I failed to mention another squad car pulled

1
2 up. So, I'm assuming-- I mean, even though I seen
3 the picture, I don't know exactly information was
4 shown there, but I guess him finding out that I was a
5 gang member or a high-risk person or whatever, it
6 completely changed how he was interacting with me.
7 And at this point, I'm a successful, tax-paying
8 person, and I had no intention of harming anyone. I
9 had no problems with him searching the car. I had no
10 drugs, no guns, no nothing there. But that little
11 instance where he got an "ah-ha" moment or something,
12 he changed his demeanor and how he approached me.
13 Now, what if my demeanor completely changed because
14 I'm completely scared of cops and he has no clue.
15 You don't have a database on how many people you
16 kill, but you have a database on how many people's in
17 a gang. So, I really wanted to highlight those
18 points because I was I sitting here today listening
19 to them, and completely disturbed, knowing and
20 experiencing firsthand how they do operate. So,
21 again, I do want to say thank you.

22 CHAIRPERSON RICHARDS: Thank you all for
23 your testimony today. Thank you. And there's an app
24 on how to learn how to tie a tie. I'm not perfect,
25 but-- it took me some work, too, to get there.

1 Download the app. Thank you all for your testimony.
2 I'll get it to you if you stick around. Shepard
3 McDaniel, Universal Zulu Nation; Charlotte Pope,
4 Children's Defense Fund; Judy Greene, Justice
5 Strategies; and Alex-- oh, Alex went. Alex Vitale,
6 Brooklyn College-- or Vitale, sorry. Alex Vitale.
7 Judy Greene, Justice Strategies; Shepard McDaniel,
8 Universal Zulu Nation; and Charlotte Pope, Children's
9 Defense Fund. You press your button, and then you
10 may begin.

12 SHEPARD MCDANIEL: Good afternoon.

13 CHAIRPERSON RICHARDS: Good afternoon.

14 SHEPPARD MCDANIEL: My name is Shepard
15 McDaniel. I am a native New Yorker coming from the
16 Bronx. I'm a professional childcare worker. I've
17 been working since 1980 dealing with young youth,
18 teenagers, particular, running community center,
19 group homes, residential centers, etcetera. So, I
20 have a lot of experience in working with young
21 people, again, since 1980. I currently served as the
22 director for the department for Community Affairs of
23 the Universal Zulu Nation which has chapters all over
24 the world. Primarily it's a hip-hop organization
25 which was founded in 1974 which dals with you. I'm

1
2 also an original member of the Black Panther Party
3 from back in the day, early 70s. I bring this up
4 because looking at the whole history of the NYPD in
5 general, its [inaudible] program, operations like
6 TESMAR [sic] and new kill [sic] and the prisoners and
7 so forth. Looking at all of those things, this whole
8 gang database, and we basically since the Clinton
9 Omnibus Crime Bill came out in the 80's, we generally
10 don't use the word 'gangs.' You know we say street
11 organizations or families, just to the negative
12 demonization that has been done by utilizing that
13 word, particularly with that crime bill that most
14 people forget that the Clintons did, put that into
15 functioning. In terms of the organization I work
16 with now, there's been instances where-- and I didn't
17 her anything about in terms of how this gang database
18 is set up in terms of identifying not who is in the
19 database, but what is a gang and what groups are
20 considered to be gangs that are in that database. I
21 bring this up because there's been instances when a
22 lot of the younger members of an organization of Zulu
23 Nation have been doing a lot of community work, have
24 been invited at times to speak to students in
25 schools, and a lot of times they were eventually told

1 they could not do that, because they were in a gang.
2 So, this police presence in the schools were
3 identifying groups and saying these are gangs, you
4 shouldn't have them come speak to your students, and
5 teachers not knowing comply with that. This happened
6 in a number of instances. I've been able to speak at
7 a lot of schools probably because of my age and being
8 able to get through that, but again, when you're
9 having younger people who are trying to go in a
10 positive direction and work with other youth and get
11 them to, you know, utilize and coach as a tool for
12 organizing in the community, and then you get the
13 police intervening and stopping that by mislabeling
14 as being a gang, I think that's an issue that
15 definitely needs to be addressed. It was not talked
16 about. Last thing I want to say, I'm really being
17 short with this, to the point. This whole thing
18 about the reductions in the crime rate, as being
19 someone who's in the streets a fair amount of time
20 doing organizing as a community organizer and just in
21 my own neighborhood, you know, talking to young
22 people who are on the corners, you know, giving them
23 little pamphlets "what to do if you get stopped on
24 the streets," and having them come back and say,
25

1 "Wow, that's what was up. You know, I got stopped.
2 Police saw that and left me alone." Getting them to
3 learn to know their rights and how to organize. That
4 whole charts that they had up here, you know, with
5 the years when they've cut down the crimes and so
6 forth allegedly by doing this engagement with young
7 people on the streets, it doesn't take into account--
8 and we've heard testimony already from a lot of
9 people that sat here from different organizations
10 that have been working in the communities with young
11 people, have been successful in stopping street
12 organization violence and violence in the community,
13 and not just groups, but there are a lot of
14 individuals that we forget about that these young
15 people look up to, and they listen to them.
16 Unfortunately, a lot of those older people are in
17 prison, and they're not allowed to come out and do
18 the same counseling that they do inside. I'm
19 speaking of our political prisoners, you know, most
20 of them back in the days in the Panther party who
21 have a track record of stopping gang violence, "in
22 the prisons." If they could be on the outside doing
23 the same thing, it would be a real benefit to the
24 community. So, I just wanted to put that out. It's
25

1
2 not the police that are doing this. It's the
3 community that is doing this. Thank you.

4 CHAIRPERSON RICHARDS: Thank you.

5 CHARLOTTE POPE: My name is Charlotte
6 Pope. I'm with the Children's Defense Fund of New
7 York. Thank you for the opportunity to testify.
8 We're concerned that the gang label itself permits
9 and encourages even more aggressive and broader
10 police intrusion into the lives of young people in
11 and out of school. We're especially concerned by the
12 lack of public transparency around the information
13 sharing that arises from the relationship between the
14 NYPD and the Department of Education. The DOE has
15 testified in the past that one of the intended goals
16 of the 1998 transfer of School Safety to the NYPD was
17 to allow the DOE to "share intelligence" related to
18 events that occur during the school day that it
19 presumed to be gang-related. During the Maye
20 Executive Budget hearing on public safety, the NYPD
21 testified the School Safety Division would be
22 bringing the Neighborhood Coordination Officer
23 philosophy to schools starting in September. Within
24 that NCO role is to visit schools frequently and
25 confer with school principals and school safety

1 agents regarding gang or crew activity. We're
2 cornered by the prospect of increased inter-agency
3 collaboration, especially given the process for gang
4 designation and the consequences others have raised.
5 And the NYPD's comment today that teachers are
6 reliable sources and part of the path to database
7 inclusion. We're also concerned that the gang label
8 is being employed by the DOE's Student Code of
9 Conduct in order to heighten the suppression of
10 targeted young people. Wearing accessories that a
11 school administrator considers to be gang-related can
12 be responded to with a 10-day suspension from school,
13 two discipline code infractions, B26 and B55 contain
14 the note that in determining whether the behavior is
15 gang-related, school officials may consult with the
16 Office of Safety and Youth Development's Gang Unit.
17 There is little public transparency around this gang
18 unit, like what a school consultation with that
19 office entails, how a determination of gang
20 affiliation is made, or how the NYPD might be
21 involved, and given concerns around the database,
22 what information is being maintained by that office
23 within the DOE. Lastly, when the question of the
24 NYPD's support for spending 100 million dollars on
25

1 camera security systems in school was raised during
2 the Executive Budget hearing, the NYPD responded that
3 they would like to have remote access to these
4 cameras of which there are currently almost 30,000.
5 School security infrastructure expands the intensive
6 policing of young people already experiencing
7 surveillance, especially young people with a gang or
8 crew label. The DOE has been quoted as saying that
9 while facial recognition software is not being used,
10 the capacity for future installation is there. There
11 is currently no clear oversight to limit the extent
12 of surveillance or information collected relating to
13 targeted youth in school, and growing the NYPD's and
14 the School Safety Division's capacity to watch
15 already-targeted students does nothing to address the
16 conditions that make group affiliations helpful to
17 young people. There's more in our submitted
18 testimony, so I'll stop there. Thank you.

19 CHAIRPERSON RICHARDS: Thank you so much
20 for your testimony.

21 JUDY GREENE: Hello? You can hear me.
22 My name is Judy Greene. I direct a small public
23 policy organization based here in New York City that
24 looks primarily at mass incarceration, and at the
25

1 racial disparity that is such a prominent aspect of
2 our mass incarceration policy. From 1985 to 1993 I
3 was Director of Court Programs at the Vera Institute
4 of Justice, and subsequently served as a Program
5 Officer for the Edna McConnell Clark Foundation
6 looking at the mass incarceration of the 1990s. I've
7 been a research associate of the Rand Corporation, a
8 Senior Fellow at the University of Minnesota Law
9 School. And I was asked some years ago, almost a
10 decade ago by the Justice Policy Institute in
11 Washington, D.C. to take a look at the issue around
12 surrounding gang enforcement. We produced book-
13 length report. In my testimony you'll find a summary
14 of our findings. Let me just quickly give you the
15 bullet points in that regard, and then I want to go
16 on to discuss a couple of issues that are disturbing
17 and quite currently both here in New York City and on
18 the national scene. We did an extensive literature
19 review. The literature on gangs and gang's
20 enforcement, of course, is extensive and very rich,
21 and I would say-- I continue to read the literature.
22 I would say predominantly it is critical of the kind
23 of gang enforcement regime that we introduced really
24 here in New York City in 2012 and have continued to
25

1 this day. Our major findings from the literature as
2 well as our own research-- we interviewed gang
3 members, gang cops, city officials, folks involved in
4 social work-oriented interventions, and our findings
5 are very quickly these, that we-- there's no
6 consistent relationship between law enforcement
7 measures of gang activity and crime trends. Gang
8 members account for relatively small share of crime
9 in most jurisdictions. Gangs do not dominate the
10 drug trade. Most gang members join when they are
11 young and quickly outgrow their gang affiliation
12 without the help of either law enforcement or gang
13 intervention programs. And finally, the public face
14 of the gang problem is black and brown, yet, whites
15 make up the largest portion of gang members across
16 the nation. Looking at, as I said, the literature on
17 sociological criminological investigations of gang
18 enforcement per say, there really is little reason
19 for optimism about the kind of gang strategies that
20 the NYPD has adopted over the last half decade.
21 Police gang units are often formed for the wrong
22 reasons and are perceived within Police Departments
23 by police executives as being isolated and often
24 subject to ineffective oversight. Heavy-handed gang
25

1
2 suppression efforts can increase gang cohesion and
3 police community tensions, and they have a poor track
4 record when it comes to reducing crime and violence.
5 African-American and Latino communities bear the cost
6 of failed gang enforcement initiatives. And then I
7 want to look at two sub-issues that I think are
8 important, and particularly having listened to the
9 presentations this morning and the, you know, slide
10 show from the police department. There was a very
11 compressive study done a few years ago by Charles
12 Katz and Edward McGuire at Arizona State University.
13 I don't think much has changed in terms of gang
14 enforcement strategies or, you know, the issue of
15 gang crime since then, other than that, of course,
16 President Trump and Attorney General Sessions have
17 launched a firestorm around the issue of-- as though
18 all gang members were MS-13, etcetera, etcetera.
19 Anyway, the highlights of Katz and McGuire's
20 research. They looked at gang units in some 300
21 large cities in this country, and they found that for
22 primarily gang units conduct intelligence gathering
23 and gang suppression, gang take-down activities, as
24 is true here, and spend little or no resources on
25 prevention or support of community prevention

1 organizations. They're often located at secret off-
2 site locations and become quite isolated and somewhat
3 ingrown. They have a tight-knit subculture, and
4 many-- in many cases, this has contributed to a
5 disturbingly high incidence of corruption and other
6 misconduct. Now, I don't know much about the gang
7 units here in New York City, but I think that to make
8 an analogy-- of course everybody knows about the
9 Rampart scandal years ago in Los Angeles. To make an
10 analogy to listening to the spokesman this morning
11 drawing the parallel between the gang unit activities
12 and gun suppression activities. You know, if you put
13 a bend diagram together you'd see little difference
14 between those kinds of special units nationally, and
15 so I think perhaps I should mention that we ought to
16 be looking closely at what goes on with our gang
17 units in the precincts and centrally, in particular,
18 most recently in light of the gun unit in Baltimore.
19 I won't say more about that. The other thing I want
20 to touch on is that as we collected both interview
21 data and statistical data in the course of our study,
22 we became riveted on a stark contrast between Los
23 Angeles and New York. Now, you might be able to tell
24 just by looking at me that I have somewhat of a
25

1
2 historical perspective on gang enforcements and on
3 gang crime. I lived in New York during the 60s when
4 the City had a serious problem with gang crime, and
5 when primarily the Lindsey Administration made some
6 important decisions about how they wanted to deal
7 with the issue, and the problems were very serious,
8 particularly in upper Manhattan and on the Lower East
9 Side. Consulting with academic experts, professors
10 at Columbia University, the City made an important
11 decision which was to ground its interventions
12 primarily-- not that the police weren't doing gang
13 enforcement. But the City's primary strategy was
14 basically informed by the best practices social work,
15 giving rise to all kinds of activities involving the
16 settlement houses here in the City, HARU [sic]
17 mobilization for youth on the Lower East Side, and
18 that sort of paradigm has held in this city up until
19 2012 when Commissioner Kelly decided to, you know,
20 double or triple the size of the gang units etcetera.
21 We looked closely at the difference between what was--
22 - had been happening here, and sort of the tradition
23 in Los Angeles. Chicago also because most of those
24 cities, you know, had become well-known gang
25 capitals, not only in the United States but

1 internationally, and both of those cities had adopted
2 a much different philosophy, a sort of lock them up
3 and throw away the key kind of philosophy, and the
4 kind of gang raids, and of course, speaking of the
5 gang list. You know, LAPD gave birth to the Cal Gang
6 List, which is the mother of all gang lists. For
7 what good that is-- for either, you know, Los Angeles
8 or the cities that have taken that route, which we
9 seem to be doing now. The data that we could access
10 when we were doing our report dated back to 2005, and
11 we were able to obtain from the LAPD the information
12 that that year in Los Angeles, the Police Department
13 had identified more than 11,000 gang crimes, serious
14 crimes that they attributed to gang involvement
15 motivation. For 2005 in New York City that number
16 was 520, quite a difference. We spend a lot of time
17 trying to probe what was going on there, talking to
18 people in LA, talking to people here, talking to
19 people at One Police Plaza, and we-- basically, that
20 helped frame our whole report, looking at the
21 difference between a strategy that had to do
22 primarily with youth development, with street work,
23 which we would now call violent interruption work.
24 And with the Mayor's Office that began to open civil
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2 service jobs in New York City to gang members and
3 gang leaders. Looking at the Mayor's Management
4 Report--

5 CHAIRPERSON RICHARDS: [interposing] I'm
6 going to ask you to begin to wrap up.

7 JUDY GREENE: Pardon?

8 CHAIRPERSON RICHARDS: I'm going to ask
9 you to begin to wrap up.

10 JUDY GREENE: Looking at the Mayor's
11 Management Report for 2017, the figure of gang-
12 related crimes as reported by the NYPD was 350, a
13 decline from 2005. That basically mirrored the rate
14 of decline of serious gang issues in the City. In
15 terms of any kind of recommendation I might have,
16 given my perspective both national and historical
17 here, you know, I think it would be really useful--
18 virtually everyone who testified, including from the
19 Police Department, have let a lot of worms out of the
20 can. I see them kind of crawling on the floor in
21 terms of the lack of transparency, how little we know
22 what the gang units do, and how little we know about
23 the use of the gang list. Help people get out-- it'd
24 help people to get off it or whatever. I would
25 recommend that you think seriously about asking the

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2 OIG over the Police Department, Phil Yuray [sp?], to
3 take a close look. We really need to have an
4 independent agency go in, look at the numbers, look
5 at the activities related to those numbers, and I
6 also would raise a few, I think, key issues given
7 that NYPD is sort of the Vanguard of big data and
8 machine learning. What kind of relationship there is
9 between the gang list and Palantir? What is the
10 relationship between Precision Policing and
11 Predictive Policing? I think these issues are wide
12 open, and I beg you to look at them.

13 CHAIRPERSON RICHARDS: Thank you for your
14 testimony. Thank you.

15 ALEX VITALE: My name is Alex Vitale. I'm
16 professor of sociology and coordinator of the
17 Policing and Social Justice Project at Brooklyn
18 College, and I've been working on policing issues for
19 over 25 years, which seems short in comparison to my-
20 - she's got me beat on that one.

21 CHAIRPERSON RICHARDS: She's not a day
22 over 25.

23 ALEX VITALE: I want to start by thanking
24 the NYPD for providing us very compelling evidence of
25 a correlation between significant declines and

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2 arrests, and huge declines in crime rates, a trend I
3 would like to see continued, a kind of natural
4 experiment that we need more of. In all seriousness,
5 building on what Judy said, the City is making a huge
6 mistake. They have embraced classic-- there's
7 nothing new about precision policing. It's all a
8 smoke screen. These are all classic forms of gang
9 suppression policing that all the literature shows is
10 not only ineffective, it is grossly counter-
11 productive. It makes the gang problems worse because
12 it hardens gang identities. It turns all community
13 problems into gang problems, and it says that the
14 solution to all our community's problems is more
15 policing and more incarceration. And so we don't
16 need a more refined gang database. We don't need
17 more transparency about the gang database. We need
18 no gang database. We don't need more transparency of
19 gang suppression policing. We don't need more
20 precision in gang suppression policing. We need an
21 elimination of gang suppression policing, and this is
22 not a question of police accountability. It's a
23 question of political accountability, because
24 ultimately is this body and the Mayor's Office that
25 are responsible for turning our community problems

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2 into policing problems instead of providing the kinds
3 of resources that are really necessary. Now, this
4 problem is not going to be solved by a few programs
5 any more than it's going to be solved by gang
6 suppression policing. A little midnight basketball
7 program here, a couple people working on a street
8 corner here is not going to cut it. This is a city
9 that is dealing with record levels of homelessness,
10 record levels of untreated mental illness, record
11 levels of youth unemployment. These cannot be solved
12 by a few afterschool programs. We need the kind of
13 sustained investments. We continue to have a public
14 school system, which our court system has
15 acknowledged is radically underfunded relative to the
16 rest of the state, and nothing is done about it,
17 despite court orders that something be done about it.
18 Until we begin to deal directly with these kinds of
19 problems in our communities, yes, there are going to
20 be problems of violence, dis-affection, young people
21 trying to protect themselves, create a life for
22 themselves out of nothing, and when we turn those
23 problems over to the police, we make those young
24 people's lives worse, and we embrace a logic that
25 says it's okay to wipe out 20 percent of the

1 community to save 80 percent of the community. It's
2 okay to drive 40 percent of the kids out of the
3 public schools to save the other 60 percent of the
4 school-- kids in school. We have an obligation to
5 deal with all of these young people, to treat them
6 all as human beings, to bring them all into a
7 meaningful life, and gang suppression policing is the
8 opposite of that. Thank you.

10 CHAIRPERSON RICHARDS: Well said. Thank
11 you. Thank you all for your testimony.

12 SHEPARD MCDANIEL: Can I add just one
13 thing real quick? I was quick [inaudible].

14 CHAIRPERSON RICHARDS: Really quick.

15 SHEPARD MCDANIEL: It'll be really quick.
16 It's just basically a warning to be aware that these
17 gang raids that have been going on so far to the best
18 of my knowledge there haven't been any real
19 fatalities yet in terms of NYPD killing people, and I
20 would like to ask the Committee to reflect upon what
21 happened in the late 60s and in the 70s when similar
22 attacks were done on the so-called black hate groups
23 when thousands of Panthers and New African
24 Independence Movement organizations offices were
25 raided, homes were raided, people lost their lives,

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2 and just keep that in mind, because it's only a
3 matter of time before something really tragic happens
4 in these housing projects. Thank you.

5 CHAIRPERSON RICHARDS: Thank you all for
6 your testimony. Alright, we're going to call our
7 last panel now: Shannon Jones from the Bronx; Diane
8 Clark, Bronx; Deshawni Dosier [sp?]; Albert St. Jean,
9 BAJI/Coalition of End Broken Windows; Howell
10 Matthimus [sic]-- Matthews; Viola [sic] Matthews;
11 Albert St. Jean; Deshawni Dosier; Diane Clark. Is
12 there anyone else who wishes to testify at this
13 moment? If not,-- if so, you need to fill out a
14 slip. This is your last moment. Alrighty. We're
15 going to now begin testimony. Alrighty, sir, you may
16 begin. Press the button, state your name for the
17 record.

18 ALBERT ST. JEAN: Hello, my name is
19 Albert St. Jean. I'm a New York City organizer for
20 Black Alliance for Just Immigration and also a member
21 of the Coalition to End Broken Windows and a resident
22 of Central Brooklyn. So, New York City projects
23 itself as an image of being progressive and both a
24 Sanctuary City, but the truth is that the policies
25 that are implemented tend to trend more towards a

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2 police state. And if anything, property is proven to
3 be more valuable than people thus far that I can tell
4 in this city. The prime real estate that is NYCHA
5 comes to mind, and also it's not also ironic that
6 raids are also happening with NYCHA as well in the
7 midst of gentrification. Gang policing in black and
8 brown communities in New York is also synonymous with
9 gang policing in immigrant communities in New York,
10 right? Because the bulk of black and brown
11 communities in New York are home to immigrants. So,
12 in last year, New York deported-- 2,000 people got
13 deported from New York City based on their
14 interactions with law enforcement and going through
15 the criminal justice system. There needs to be no
16 conviction. You can have an open case. Your case--
17 I had one gentleman whose case was dismissed but was
18 still deported all because of the interactions that
19 he had with the NYPD. If you-- so Broken Windows
20 Policing and gang policing, as we said earlier, it's
21 really just a gang recruiting tool. It is not
22 helping to prevent gangs or dismantle gangs. By
23 arresting young people particularly for their first
24 offense or what have you and not using restorative
25 justice but instead locking them up, you in essence

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2 make-- put them in a position where they have to join
3 a gang or swear allegiance to a gang, or even if they
4 were a gang member, put in work, because they're in
5 an environment that calls for that. And also,-- so
6 crime in NYC as everybody been saying has been
7 trending downwards for the past 26 years, but yet, we
8 have more police in our schools leading to the school
9 to prison pipeline, which the gang database
10 contributes to, and also gang policing also coincides
11 with gentrification. They talk about Precision
12 Policing, well occupying a neighborhood-- I live in
13 Crown Heights, so the neighborhood looks like a
14 police garrison. That's not precision to me.
15 Franklin and Union, which is probably the most
16 policed part of my neighborhood sees more murders
17 than any other part of my neighborhood from what I
18 can tell. Just a month ago someone just got stabbed.
19 The police presence is always there, but it's not
20 doing anything to abate the violence. Not to say
21 that violence is rampant, but I just find it funny
22 that the same block where they are heavily on is also
23 a block where these things continue, more so than any
24 other part of the neighborhood. And being on a
25 database alone may or may not get you in trouble, but

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2 as was stated earlier, you're targeted throughout
3 your life for being on that gang database, and if I
4 was an undocumented immigrant and I'm on a gang
5 database without my knowledge, it's likely that if
6 something happens in my neighborhood the NYPD will
7 target me first. And also, I used to also live in
8 Bed-Stuy by Lafayette Gardens. When there was a
9 robbery that took place, what did the police do?
10 They went into the projects, lined up every black
11 male of a certain age and take all of their pictures
12 along the fence. This is what happens in the
13 neighborhood. And also, just because someone is in a
14 gang doesn't mean that they are refuse. This point
15 has been made over and over again today. I don't
16 want to beat a dead horse. But if you really want to
17 battle gangs, if you really want to address the issue
18 of violence in neighborhoods, you have to address a
19 history of red lining, you have to address a history
20 of all types of economic oppression that has and is
21 continuing to take place within this city. How can
22 we talk about reducing crime and putting 275 million
23 dollars into Rodman's Neck for shooting ranges while
24 Summer Youth is 90 million dollars to serve 60,000
25 young people in the city at that time? It would make

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2 sense to me that that money could go to make a
3 program like that year round, to address the youth
4 unemployment rate. Right? Why is it that-- so
5 what's going to bring crime down, if the police have
6 better aim, or if the youth have jobs and job
7 training or if we address housing in a city where
8 homelessness is exploding? If we can do things to
9 abate gentrification, if we can actually take the
10 money that's going into policing and put that into
11 education, divestment. We can't just talk about
12 police brutality and violence in the gang database
13 without actually talking about divesting from it.
14 That's what needs to happen. The money is there. We
15 can't act like we don't have the resources to make
16 these things happen. We put-- we hired 1,300 new
17 police officers in the last couple years. That had
18 cost us almost 250 million dollars. You know, this
19 is a waste of resources. We're flushing money down
20 the toilet in this city that claims to be
21 progressive, in a city that claims to be a Sanctuary
22 City. So, I put the onus on City Council and the
23 Mayor with regard to this. I don't expect the police
24 to know how to police the City out of social
25 problems. You can't ask an alligator to go

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2 vegetarian. It's in their nature. That's what
3 they're designed to do, is to lock us up. So, the
4 solution is not by creating more police community
5 interactions. There has to be less of it. That's
6 all I have to say.

7 CHAIRPERSON RICHARDS: Thank you.

8 JAMES HASKINS: Good afternoon. My name
9 is James Haskins. I'm a member of the Bronx 120 and
10 is also known as the Bronx 120 and Why
11 Accountability. One of our members is not able to be
12 here today, Ms. Shannon Jones, and she has asked--
13 she has prepared a statement and she would like for
14 me to read this to the panel. I'm willing to do
15 that. I should also point out that I'm a Black
16 Panther. So, let me begin: "My name is Shannon
17 Jones, the Co-founder of Bronxites for NYPD
18 Accountability, affectionately known as Why
19 Accountability. We were born out of the choke-hold
20 murder of Eric Gardner by the NYPD captured on cell
21 phone video by Ramsey Order [sp?] in July of 2014. In
22 our continued sustained indignation of police
23 terrorism in black and brown communities, we take
24 umbrage and unilaterally denounce gang policing,
25 neighborhood policing, predictive policing. However,

1 we do support the compiling of a database collection
2 of those that have terrorized and continue to
3 terrorize African people in New York. Why
4 Accountability has entered the following individuals
5 operating under the biggest gang in New York, the
6 NYPD, with about 41,000 members and growing by order
7 and resources by the City Council of New York with
8 the exception of Inez Barron and to our gang
9 database, David Terrell [sp?], Brian George, Daniel
10 Pantaleo [sp?], Richard Hays [sp?], Peter Liang
11 [sp?], Hugh Berry, Patrick Cherry [sp?], Peter
12 Valentine, Michael Harrington, James Grant, Eddie
13 Martins [sp?], Richard Hall, David Colon, Keith
14 Moreno, Michael Pena [sp?], Eric Rodriguez, Phillip
15 Banks, Michael Ameri [sp?], Adali Polanko [sp?], four
16 unnamed gang operatives responsible for the murder of
17 Shaheed Vasal [sp?], Ramsey Bengali [sp?], Ray Lopez,
18 Jose Ramos, Wanda Abru [sp?] Vincent C. Ardelo [sp?],
19 James Frescatori [sp?], Reed Helman [sp?], Juan
20 Torres, Yessina Jimenez [sp?], Murly Austin [sp?],
21 Ronaldo Lopez, Eduardo Torres, Felix Salcilido [sp?],
22 Francis Lovodi [sp?], Angel Izari [sp?], Waynes Isaac
23 [sp?]. These are just a small percentage of the
24 known gang operatives that we have compiled. These
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2 individuals murder black people, sell drugs, sell
3 guns illegally, take bribes, falsification of
4 official city documents also known as ticket fixing,
5 create community disturbances, and the overall daily
6 harassment and oppression of black and brown people
7 on a daily basis. The City Council is complicit in
8 that they continue to fund and resource the NYPD and
9 coddle them even in this hearing. Black and brown
10 elected officials with the exception of Inez Barron
11 malign their own people. Not one has demanded the
12 database be abolished. Not one has demanded that
13 NYPD may not inform any prosecutor of any gang
14 affiliation. The Council has not demanded that the
15 police be subject to inquiry from the community. The
16 jig is up. The community knows that gang
17 surveillance, predictive policing, and etcetera are
18 on a continuum of destabilizing the Africans in these
19 occupied Americas since shadow [sic] slavery was
20 outlawed. Gang raids are racist operational
21 terrorism. Gang raids are racist operational
22 terrorism. We know the harm it does, and we will
23 fight against it. Black people, rise up, abolish
24 now." That is what Ms. Shannon has said.
25 Personally, I would recommend that the City Council

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2 persons allocate resources so that rather than
3 cultivating a confidential informer, the City would
4 have persons create a mechanism so that people will
5 find out or create a liaison within a school, and
6 this person could act as a point person who will
7 already have a counselor, a known counselor, a
8 tutorer [sic], and that person would be able to go to
9 teachers and let them know that there is a particular
10 wayward child that they should pay attention to and
11 that they should address, and I think that would be a
12 better way to allocate our resources rather than
13 cultivating a confidential informant. Thank you for
14 your attention.

15 CHAIRPERSON RICHARDS: Thank you both for
16 your testimony. So, we're going to begin to close
17 out, and I will start with some closing remarks.
18 First, I want to thank everyone for coming out today,
19 all the advocates, the community, the NYPD. And let
20 me just-- I guess I could be clear. You know, one of
21 the reasons we held this hearing was to ensure that
22 obviously there was more transparency and
23 accountability when it comes to this particular
24 database and any databases quite frankly that are
25 being used. There has to be a balance, and I want to

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2 be clear on that. You know, there are individuals--
3 and listen, I mean, I come from the neighborhood, so
4 no one could tell me anything different. We have to
5 make sure that there's a significant balance because
6 there are individuals that we know, they may-- you
7 know, who do, you know, who do shoot at four o'clock
8 in the afternoon, and you know, and listen, I get to--
9 - I know a lot of individuals. I live in the
10 neighborhood, but you know, at the same time I think
11 the purpose of this hearing today was to ensure that
12 we were very clear that not anyone should be getting
13 thrown in any database. You know, and if there is
14 going to be a database to address gang activities
15 within communities, because there are some gang
16 members out there, there needs to be clarity on it,
17 and there's not been much transparency around how
18 people are entered, how people are taken out, and we
19 want to make sure, ensure that if there is going to
20 be a database that exists that it is 100 percent
21 accurate. And I don't think anybody in my community
22 would disagree that they want bad people gone. You
23 know, our children want to go outside on a sunny day.
24 They shouldn't be stuck within their apartment. I'll
25 also add that around the conversation of minors, you

1 know, it's-- I find it horrible that there are young
2 people within this database and their parents have no
3 knowledge of it, and that there isn't a real strategy
4 on ensuring that there are services provided. Now,
5 there are some good programs that have started to
6 come out, and obviously the Council has really pushed
7 to boost funding to make sure that there are more
8 counselors and programs in the schools, which has
9 been going okay, but once again the question of more
10 resources and a broader strategy around working on
11 the gang issue has to happen, and I know people like
12 to point to the 1,300 cops the Council funds. If you
13 looked at each one of us, each Council Members'
14 discretionary pot you're going to find-- at least me,
15 I could speak for myself-- we fund millions of
16 dollars of programs for our local communities.
17 There's always a need for more, and there is a
18 systematic issue at hand. You know, when you talk
19 about CFE, Campaign for Fiscal Equity, you talk about
20 housing, there are bigger systematic issues that
21 obviously have to be worked on, and I want to commend
22 the Professor on certainly pointing those things out.
23 You're absolutely correct. Cure Violence, Rock Safe
24 Streets in Far Rockaway doing phenomenal work.
25

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2 Crisis Management System exists because of the
3 Council and because of advocacy groups that might
4 have been doing this even prior to getting funding
5 from the Council who I know, because guess what? You
6 know, within my own district I was brought in the
7 room with the shooters, quietly, alright? To try to
8 mend fences and to try to create a truce amongst the
9 different factions on two sides of the developments.
10 I sat in that room with people, and there were people
11 from my community doing this work even prior to
12 Crisis Management coming online. I'm happy to say
13 that is going really well, and they're doing a lot of
14 great work out there, and there's obviously
15 organizations across the City doing similar. So,
16 there's still a whole lot more work to be done. You
17 know, obviously we will look at things legislatively
18 as well, but today was food for thought. I mean, it
19 pretty much confirmed what we pretty much knew, and
20 now the Council will take the next steps and make
21 sure there's more transparency and accountability as
22 we always say and something that we believe in this
23 committee. So, I want to thank everyone for coming
24 out. I'll just add even on a job front, I mean, we
25 fought to add 5,000 more jobs-- it's not easy-- to

1 Summer Youth. You know, people think it's just a
2 cakewalk and we can just snap our finger and things
3 happen. Everything is a push we do. SONYC, you
4 know, programs from middle school students during the
5 summer, which was on the chopping block. You know,
6 these are things that we fight to maintain because we
7 understand the importance of it. I'm not here to
8 toot our horn. There's a whole lot more work that
9 needs to be done, but we can only do it together. It
10 takes community. It takes us coming together to come
11 up with broader and collective strategies that could
12 work to really addressing the systematic issues in
13 our community. So, I want to thank everyone for
14 coming out today, and this is the end of this
15 hearing.
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17 [gavel]

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COMMITTEE ON PUBLIC SAFETY

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 July 11, 2018