



Monday, December 16, 2024

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

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

**COUNCIL CHAMBERS
DECEMBER 16, 2024**

Good morning Speaker Adams, Public Advocate Williams, Chair Salaam, and members of the Council. My name is Michael Gerber, and I am the Deputy Commissioner of Legal Matters for the New York City Police Department. I am joined here today by Chief of Department Jeffrey Maddrey. On behalf of Police Commissioner Jessica Tisch, we are here to testify regarding the Department's policies and practices in connection with investigative encounters.

These encounters—covering a wide range of circumstances—are at the heart of policing and public safety. As you know, the New York courts recognize four different types of investigative encounters. A Level 1 encounter is a request for information. At Level 1, there must be an objective, credible reason to approach, but it does not require that the officer suspect the individual of criminality. Level 1 encounters include conversations with victims and witnesses; those who might be victims or witnesses; those who might have evidence regarding a crime; who might know where a missing child is located; or who may, for whatever reason, be in need of police assistance. A Level 2 encounter, based on the common law right of inquiry, requires an officer to have a founded suspicion of criminal activity. At Level 2, as at Level 1, the individual is free to leave. At Level 3, by contrast, where an officer has reasonable suspicion that a person has committed, is committing, or is about to commit a crime, the officer has the authority to temporarily detain that person, in what is often referred to as a *Terry* stop. Finally, in a Level 4 encounter there is probable cause that a person has committed an offense and is subject to arrest.

For years, the Department has reported to the City Council on Level 3 and Level 4 encounters. Late last year, the City Council passed the How Many Stops Act, which requires the Department to provide quarterly data regarding Level 1 and Level 2 encounters. For months we convened an executive-level working group. We created new policies and procedures, new electronic forms, new systems to aggregate the data, and new training for our officers. In October, consistent with the How Many Stops Act, we reported the required data for the third quarter of 2024. This is a major change for the Department, and we continue to learn and improve. It is no secret that the Department was opposed to the Level 1 component of the How Many Stops Act. We are not here to rehash that debate. We are committed to complying with the law, and we have worked very hard and in good faith to meet our obligations under the law.

With regard to Level 3 encounters, the Department has been under a federal monitorship for a decade. I want to emphasize that I cannot speak for the Monitor. Only the Monitor can do

that, and she speaks through her reports. That said, I want to offer a few observations on behalf of the Department.

When it comes to the monitorship, and the constitutionality of Level 3 encounters, the Department has made tremendous progress. We have rewritten our policies and revamped our training. Level 3 stops have fallen by over 90% since 2011. There has been a significant shift in the nature of policing in this city.

That said, there is still more work to be done. The Department works closely with the Monitor and we learn from the Monitor. There are times when we agree with the Monitor's critiques. There are times when we disagree. But it is always a collaborative relationship in which we are fully engaged and responsive.

I want to close by emphasizing that we are discussing encounters that take place on the street, in situations that can be fast-moving, complicated, and potentially dangerous. Officers are asked to make split-second decisions, sometimes with incomplete information, and often with concerns about public safety and their own safety. This is challenging work, and the challenge is compounded by the fact that the law in this area is incredibly complex and fact-specific. Retired Judge Barry Kamins, who literally wrote the book on the subject, has explained how confusing the law in this area can be:

Probably no area of search and seizure law has caused more confusion and frustration than that of street encounters with the police where the officer acts on less than probable cause. New York appellate courts have acknowledged for some time that the subject is riddled with problems. The First Department has stated that "one of the most vexing of judicial issues is the delineation of permissible police intrusion upon the liberty of the private citizen in a street encounter." The same court has noted that "seemingly similar fact patterns sometimes result in different outcomes and lead to confusion."

He continues:

One of the primary reasons for the state of confusion in this area is the diversity of fact patterns involving street encounters and the realization that "[t]he proper determination in cases of this sort must necessarily turn on the facts in each individual case." Two separate cases with *almost* identical facts can produce different results because of a subtle difference in only one factor. If there is any conclusion one can draw from this, it is the realization that this is not a precise and exact body of law with equations that can readily produce easy solutions.¹

This is a lawyer and judge, writing for other lawyers and judges, who have the benefit of time to ponder the facts, review court decisions, debate abstract legal principles, and ultimately decide how to analyze and categorize a particular encounter. We require our police officers, most of whom are not lawyers, to do this out on patrol, in real-time, sometimes in highly volatile situations. We *must* require this of our officers, because it is the law. But I think it is

¹ Kamins, *New York Search & Seizure* § 2.01 at 2-2 to 2-3 (2023) (citations omitted).



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important, as we discuss these issues, to acknowledge how much we demand of our police officers, and how challenging their work can be.

Thank you for the opportunity to testify about these important issues. We look forward to answering any questions you may have.



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

ANTONIO REYNOSO

Brooklyn Borough President

Committee on Public Safety

Oversight Hearing: The NYPD's Use of Stop-and-Frisk and Other Investigative Encounters December 16, 2024

Thank you to the Public Safety Committee for holding this important hearing. It is critical that the Council continue to use its oversight power to hold the NYPD accountable to its obligations under the law.

Discriminatory policing is not a new problem. It's been more than a decade since a federal judge ruled the use of Stop-and-Frisk unconstitutional, specifically citing racial bias and the disproportionate targeting of Black and Latino residents. It's also been over a decade since the Council passed the Community Safety Act, which banned biased-based profiling by the NYPD. Yet Stop-and-Frisk practices persist; in fact, they have increased by 90% since Mayor Adams took office according to the [Independent Monitor's Compliance Report](#). Meanwhile, *the New York Times* [reported in September](#) that NYPD's "discipline for illegal street detentions is lax at every level."

What does this actually look like on the ground? My office analyzed NYPD Stop-and-Frisk data from 2021 to 2023 and found over 11,400 recorded incidents in Brooklyn during this period. While Black residents make up only 34% of Brooklyn's population, they accounted for 70% of those stopped. Furthermore, 44% of people stopped were under 24 years old, highlighting the practice's significant impact on youth. The maps below show the geographic breakdown of these stops in Brooklyn. As you can see, they are overwhelmingly concentrated in neighborhoods of color and adjacent to public housing developments.

Unsurprisingly, this contributes to poor perceptions of police within these communities. In a recent survey conducted by Communities United for Police Reform, 56% of people in highly policed communities said that at times they feel unsafe with police around, 54% reported having had unwanted police contact, and 70% said they feared calling or approaching the NYPD for help because it would make the situation worse or lead to unnecessary violence. Alarming, survey respondents also described high levels of police contact involving direct experiences of physical, verbal, and sexual/gender-based abuse: 71% experienced varying degrees and forms of harm by the NYPD, and 24% witnessed police threaten to kill someone.

This violent and racist policing contributes to a much broader public health and mental health crisis. The most heavily impacted neighborhoods in terms of policing also have among the lowest

life expectancies, highest rates of poverty, highest rates of food insecurity, and highest rates of maternal mortality. Persistent police presence is linked to higher rates of psychological distress. [A 2016 article](#) on the impacts of Stop-and-Frisk on New Yorkers states that people who live in areas with high levels of police presence who undergo Stop-and-Frisk have more “psychological distress and more severe feelings of nervousness and worthlessness.”

It is deeply frustrating to me, as an elected official and a former Councilmember, that the NYPD continues to ignore the Council’s efforts to change these practices and to hold them accountable for following the law. As a Councilmember, I was proud to champion the Right to Know Act. These two bills, which became law in 2018, aimed to improve accountability and transparency during police interactions by requiring officers to obtain voluntary and informed consent to search someone without cause; and to provide identifying information to people they stop, including the officer’s name, rank, and a business card.

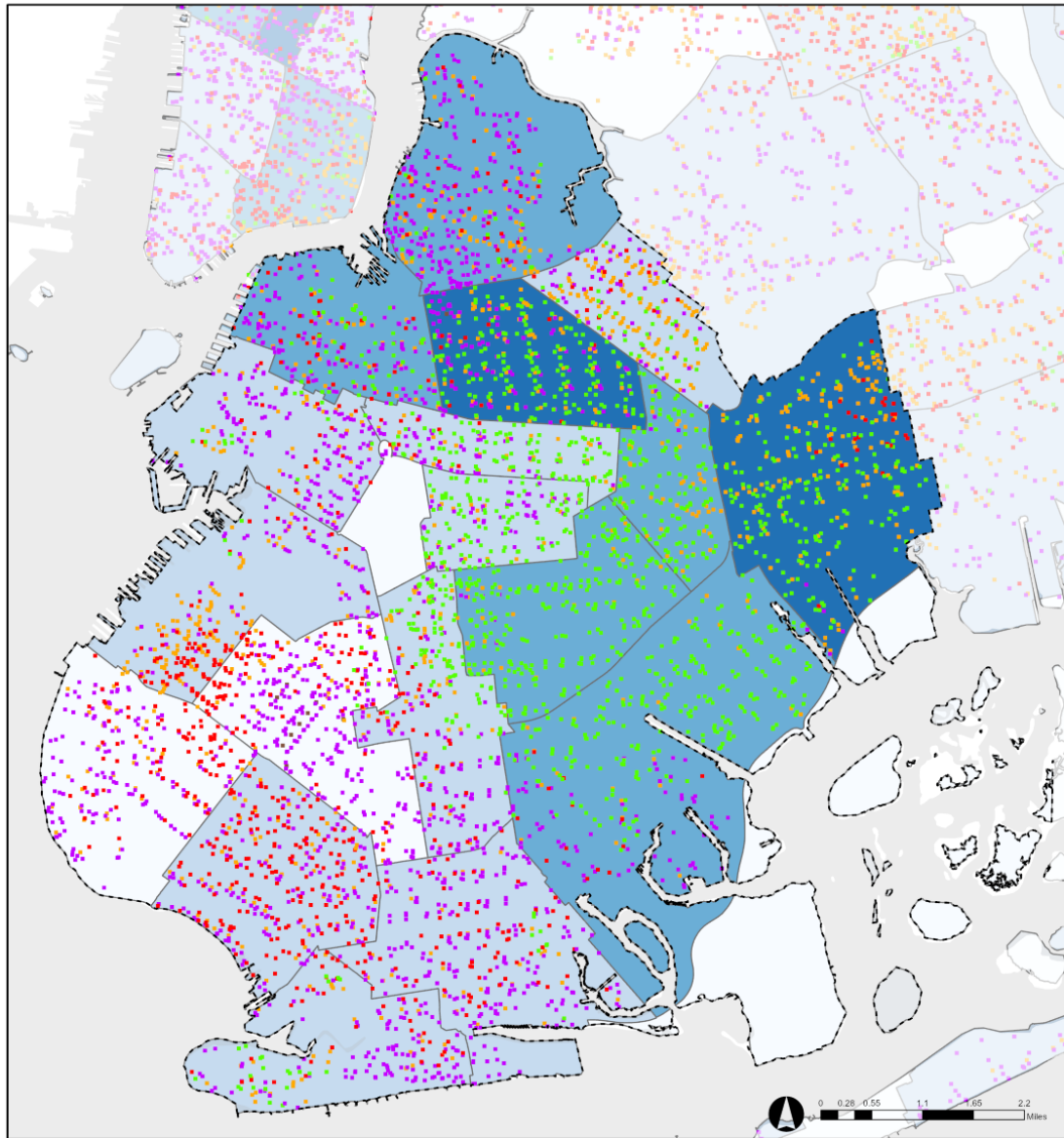
However, my office’s analysis of Civilian Complaint Review Board (CCRB) allegations suggests that compliance with these laws has been inconsistent. Since its implementation, New Yorkers have filed over 900 complaints to the CCRB alleging violations of the Right to Know Act, including officers refusing to provide a business card, obscuring their shield number, or failing to state their name. Notably, the precincts with the highest number of these complaints coincide with those areas that also experience the greatest concentration of Stop-and-Frisk incidents. This overlap reinforces concerns about systemic accountability issues in precincts serving predominantly communities of color.

To ensure enforcement of the Consent-to-Search law and to acquire more data about NYPD street stops and investigative encounters, the Council had to pass yet another set of bills, the How Many Stops Act, which became law this year. Local Law 43 Requires NYPD to report on all levels of street stops and investigative encounters, including demographic information of the person stopped, the reason for the encounter, and whether the encounter lead to any use of force or enforcement action. Local Law 20 requires NYPD to report on instances in which an individual denies consent to be searched, and information pertaining to circumstances involved in such attempt to obtain consent.

Yet once again, NYPD compliance with the law is in question, this time due to their lack of compliance with these reporting requirements. For example, despite the law’s language being clear that data reported must be disaggregated, the NYPD’s early reports group ages together, and there is no data reported at all on gender despite it being one of the mandated categories. What we do know from the data reported is that NYPD’s patterns of discrimination persist, with the 75th Precinct in Brooklyn – where 97% of the population are people of color – has the highest number of Level I and Level II encounters of any precinct in the city.

I want to end by restating a point I have made many times – that the safest communities are the most well-resourced communities, not the communities with the most police. While the NYPD gives lip service to addressing quality-of-life concerns by creating a “Community Response Team” that the [Office of the Inspector General](#) said “risks non-compliance with the law, ethical breaches, and negative policing outcomes” due to its lack of transparency, I encourage the Council to work

on addressing actual quality-of-life concerns – access to affordable healthcare and mental health services, healthy food, safe and affordable housing, and well-paying jobs, to start. And please continue to shine a light on the NYPD’s illegal and deeply troubling practices. Thank you.



Stop and Frisk Incidents Concentrated in Neighborhoods of Color 2021 - 2023

- Stop and Frisk Incidents
- 0 - 218
 - 219 - 600
 - 601 - 1049
 - 1050 - 1651
 - 1652 - 2977

- 1 Dot = 500 people
- Black
 - Asian
 - White
 - Hispanic or Latino
 - Other Race

Map by Brooklyn Borough President Antonio Reynoso's Office
Data Source: NYPD Stop, Question and Frisk Data, 2021 - 2023. USA Census 2020 Race and Ethnicity

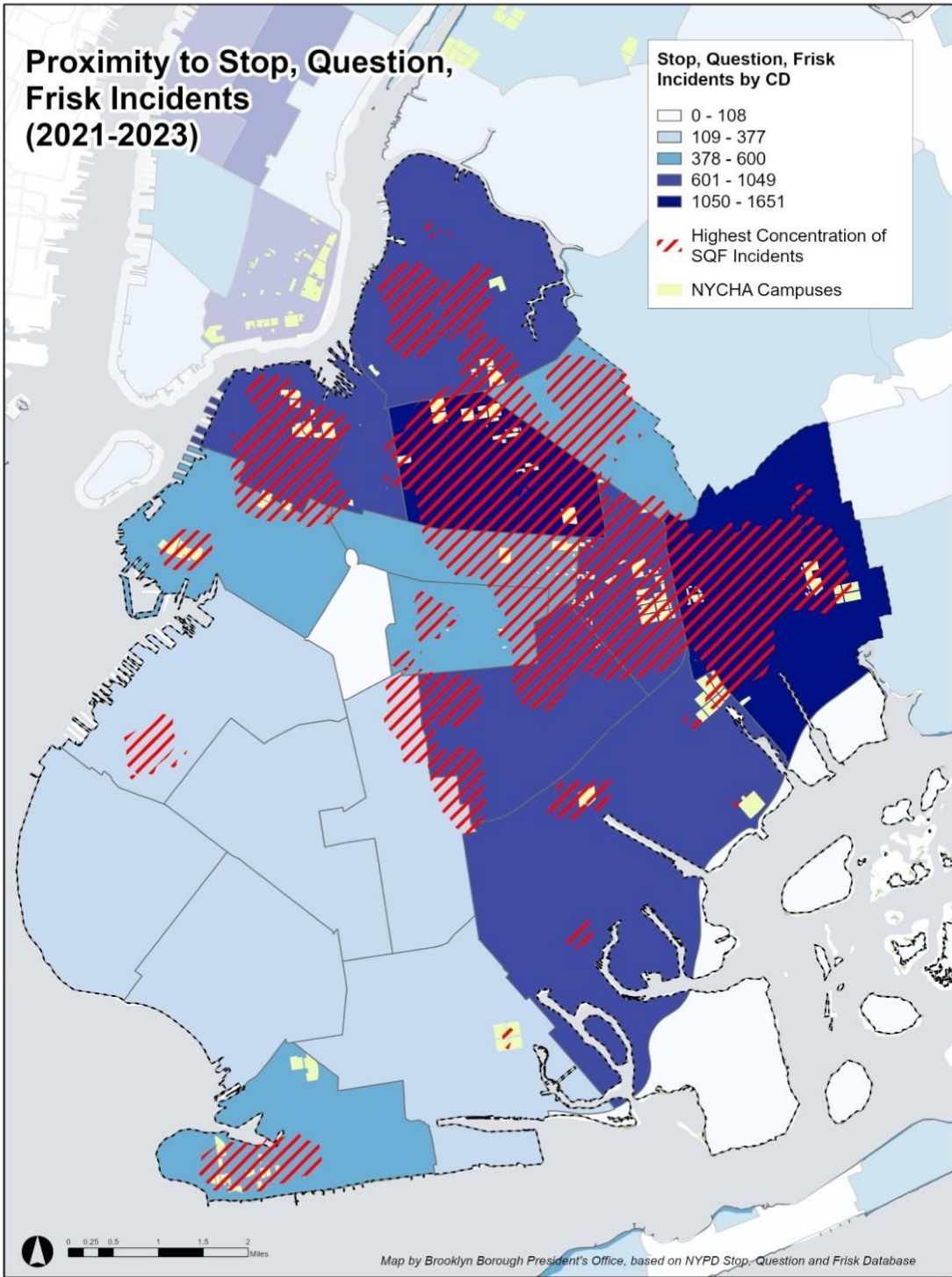
Proximity to Stop, Question, Frisk Incidents (2021-2023)

Stop, Question, Frisk Incidents by CD

- 0 - 108
- 109 - 377
- 378 - 600
- 601 - 1049
- 1050 - 1651

 Highest Concentration of SQF Incidents

 NYCHA Campuses





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Presented before

New York City Council

Committee on Public Safety

Oversight Hearing on the NYPD's Use of Stop-and-Frisk and Other Investigative Encounters

December 16, 2024

My name is Jackie Gosdigian and I am a Supervising Policy Counsel at Brooklyn Defender Services (BDS). BDS provides comprehensive public defense services to approximately 22,000 people each year who are accused of a crime, facing the removal of their children, or challenging deportation. We thank the Committee on Public Safety, particularly Chair Salaam, for the opportunity to address the Council about the New York City Police Department's (NYPD) use of stop-and-frisk and other investigative encounters.

For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, and immigration advice and representation.

Public transparency is an essential measure for holding the NYPD, and other law enforcement agencies, accountable for the discriminatory and abusive policing practices they employ. These practices criminalize and harm New Yorkers, disproportionately Black and Latine New Yorkers,

DEFEND • ADVOCATE • CHANGE



LGBTQIA+ New Yorkers, and New Yorkers experiencing homelessness. Discriminatory and abusive policing practices make all New Yorkers less safe. In order to make our city safer for all of our community members, the City Council must take action now and ensure greater transparency and accountability.

Background on Broken Windows Policing

In the early 1990s, under the Dinkins and Giuliani administrations, the NYPD first began to employ “broken windows” policing policies and tactics. Operating under the false assumption that the proliferation of low-level offenses leads to more serious offenses, officers were given leeway to intervene in communities across the city at their own discretion. Officers quickly became more assertive in addressing what they saw as crimes, and the common standard of “probable cause” was reduced to “reasonable suspicion.” This, in turn, evolved into stop-and-frisk, or the practice of stopping and searching pedestrians on the street, primarily in low-income communities of color.

Unsurprisingly, stop-and-frisk had the greatest impact on Black and Latine New Yorkers, as well other marginalized groups. At the height of the NYPD’s stop-and-frisk abuses, hundreds of thousands of Black and Latine New Yorkers were stopped each year—many of whom had committed no crime at all. The legacy of stop-and-frisk remains; the NYPD continues to stop thousands of New Yorkers of color each year. In 2020, Black and Latine New Yorkers made up 91% of reported stops.

In 2013, a federal court issued the landmark decision in *Floyd v. City of New York* that found that the NYPD’s racially biased practice to stop, question, and frisk Black and Latine New Yorkers was unconstitutional. In her ruling, Judge Scheindlin appointed an independent monitor to oversee NYPD’s practices to stop-and-frisk. Since August 2013, Independent Monitor Mylan Denerstein and her team have evaluated NYPD’s use of stop and frisk, reviewed NYPD training materials, audited body worn camera footage and NYPD reports, assessed compliance with the constitution, reported findings to the court and the public, and recommended new avenues for accountability.¹ In this time, the Monitor has prepared 22 public reports. The most recent report, published on October 7, 2024, cautioned that NYPD has increased the use of unconstitutional, racially motivated stop-and-frisk practices over the last year: “The NYPD appears to be headed in the wrong direction and must take immediate steps, including discipline when appropriate, to correct this failure to properly document *Terry* [stop-and-frisk] stops.”²

Subsequently, Hon. Analisa Torres requested the court prepare a report on the NYPD’s politics and practices related to misconduct stops. This report, published on September 19, 2024, by Hon.

¹NYPD Monitor, *Our Work*, (2023), <https://www.nypdmonitor.org/our-work/>

² Mylan Denerstein, *Twenty-Second Report of the Independent Monitor: Underreporting of Terry Stops by the NYPD*, (October 7, 2024, October), <https://www.nypdmonitor.org/wp-content/uploads/2024/10/2024.10.07-937-1-NYPD-Underreporting-of-Terry-Stops-Report.pdf>

James Yates critically examines “the efficacy, fairness, and integrity of the City’s policies, practices, and procedures with respect to police misconduct during stops.”³ Despite ongoing independent monitoring and the supervision by this court, NYPD continues to use unconstitutional stop-and-frisk tactics and has flagrantly disregarded any public accountability efforts.

The Yates Report indicates that after a downward trend in stops for several years (with a low of 8,948 in 2021), the number of stop-and-frisk reports has nearly doubled to 15,102 and 16,971 in 2022 and 2023 respectively.⁴ The racial disproportionality in stops has actually *increased* since the 2013 court finding. While in 2013 Black and Hispanic New Yorkers were 5.0 and 2.6 times more likely to be stopped and frisked than white New Yorkers, in 2019 that jumped up to 6.6 and 3.2 times respectively.⁵ Strikingly, many of these stops are never recorded by the NYPD officer.

When New Yorkers experience racially-biased and unconstitutional policing practice, there are a number of ways to make a complaint of misconduct. Yet, when cases where the CCRB or another oversight body has substantiated that an officer did engage in unconstitutional stop-and-risk, “officers rarely, if ever, receive a penalty.”⁶

Unlawful Police-Citizen Encounters are Still Happening in NYC

After the 2013 *Floyd* decision, the NYPD has employed a variety of other tactics to harass, detain, and ultimately arrest Black and Latine New Yorkers. Across the city, vulnerable New Yorkers are subjected to constant police presence and surveillance; these same New Yorkers are also our community members who are most likely to be subjected to abuse at the hands of the NYPD. The NYPD has a long history of establishing “specialty groups,” “task forces,” and “response teams” to address perceived issues and crises in New York City. With a lack of oversight and supervision, these groups have a shared history of employing egregious violence against communities of color and low-income communities in our city.

As CUNY Law Professor K. Babe Howell wrote in her seminal 2015 report on gang policing, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, “After years of stopping suspicious people in high-crime areas, the NYPD is addicted to profile-based policing.” The U.S. District Court ruling in *Floyd v. City of New York* did not end the practice of stop and frisk or deem it unconstitutional. Rather, the court ruled the probative cause being a racial profile was unconstitutional and as long as there is a reasonable suspicion of criminal activity the tactic of a stop and frisk is legally permissible. Since then, reported stop-and-frisks have declined, and the NYPD has doubled its anti-gang unit and increased monitoring, particularly via social

³ James Yates, *Report to the Court on Police Misconduct and Discipline* (Sept. 19, 2024), at 1, <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>

⁴ *Id* at 8

⁵ *Id* at 111-12

⁶ *Id* at 480

media.⁷ The NYPD's Gang Division had already doubled in size shortly after class certification in *Floyd*.

It is no surprise that inclusion in the NYPD's gang database is racially disproportionate. According to data turned over after FOIL requests submitted by Professor Howell, the NYPD added 21,537 people to its gang database between 2001 and August 30, 2013. 48% were Black and 44% were Latino; only 1% of the individuals added to the NYPD's gang database were white.⁸ Subsequent FOIL responses received by Professor Howell revealed that an additional 17,000 people were added to the database in the past four years, with less than 1% being white, and a majority being young people, as young as 13.

Many of the people we represent who are deemed to be "gang involved" by the NYPD experience stop and frisks by the police, and other forms of police harassment like threatening phone calls and letters, and sometimes arrests for the paltriest of offenses like jaywalking. Once a person is "certified" by the NYPD as a gang member because they meet the criteria mentioned above, there is no way to challenge that administrative designation in court or elsewhere. In other words, even those who are arrested and whose charges are later dismissed, or who complete a jail sentence of some kind, may still be subject to invasive and abusive police tactics indefinitely with no recourse because their name remains on the NYPD's "gang database". Unlike illegal stops and searches, which occasionally, though rarely relative to their extreme frequency, resulted in arrests that could be challenged in court, gang designations are subject to no public accountability.

The gang narrative is used to justify even more aggressive stops, summonses, arrests, and surveillance than before stop-and-frisk was declared unconstitutional. In the last several years, thousands of New Yorkers have been swept up in so-called "gang" raids or takedowns, nearly all of them Black and/or Latine.⁹ The City Council should move to eliminate the Gang Database and pass Intro 798, which would abolish the NYPD Gang Database altogether.

The NYPD's Gang Squad and other similar, specialized units with vast histories of abuse and misconduct must also be abolished. The abuses committed by these units, which often operate without even the minimal oversight of local precincts, are not unique to specialized operations. However, these units exemplify the most destructive tendencies of policing.

⁷K. Babe Howell, *Gang Policing: The Post Stop and Frisk Justification for Profile-Based Policing*, 5 Univ. Denver Crim. L. Rev. 1, 16 (2015), available at

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

⁸ Howell, *Gang Policing*, 5 Univ. Denver Crim. L. Rev. 16. Eight percent of individuals added to the NYPD gang database between 2001 and August 30, 2013, were unidentified by race.

⁹ Dean Meminger, *NYPD Credits Reduction in NYC Murders to Gang Takedowns*, NY1, Nov. 8, 2017, available at <http://www.ny1.com/nyc/bronx/criminal-justice/2017/11/08/nypd-credits-reduction-in-nyc-murders-to-gang-takedowns>.

It is not enough to merely reshuffle members of these units in a symbolic gesture, as has been the case with the notoriously violent Anti-Crime Unit. The units should be disbanded entirely, NYPD members determined to be culpable must be fired, and the methods of policing exemplified by these units must be extinguished.

As part of his mayoral campaign, Mayor Adams promised to reduce gun violence and crime in New York City by reestablishing the NYPD's Anti-Crime team, which had been disbanded by the De Blasio administration¹⁰. In 2022, these plainclothes police teams were relaunched and rebranded as "Neighborhood Safety Teams," despite the concerns of activists, advocates, and community members¹¹. Plainclothes officers—from the anti-crime team and other units—have long been accused of using aggressive and violent tactics. While plainclothes officers make up a small portion of the overall police force, they were found to have been involved in nearly one-third of killings by police in 2018.¹² Because of this, the anti-crime team was disbanded in 2020, for the second time, after being disbanded in the 1990s. Despite the controversy surrounding the unit at the time, which included multiple lawsuits and a federal investigation, many of the officers from within the Street Crime Unit (SCU), as it was then known, were reassigned to other anti-crime teams, many of which utilized the exact same egregious policing tactics that had gotten the SCU disbanded in the first place.¹³

The Importance of Data Collection and Police Oversight Legislation

After the passage of the How Many Stops Act, which requires NYPD to provide quarterly reports detailing information on level one, two, and three investigative encounters between the police and civilians, it has become even more clear that NYPD continues to engage in racial disparate policing. The data from NYPD's first report shows that 95.8% of stops target non-white individuals.¹⁴

¹⁰ George Joseph and Gabriel Sandoval, Eric Adams Wants To Bring Back The NYPD's Most Controversial Unit, *The City*, 2021, Available at <https://www.thecity.nyc/2021/4/27/22404899/eric-adams-bring-back-anti-crime-unit>

¹¹ Sara Dorn, NYPD's Neighborhood Safety Teams are mostly making low-level arrests, data shows, *City and State*, 2022, Available at <https://www.cityandstateny.com/politics/2022/04/nypds-neighborhood-safety-teams-are-mostly-making-low-level-arrests-data-show/365450/>

¹² George Joseph and Liam Quigley, Plainclothes NYPD cops are involved in a staggering number of killings, *The Intercept*, 2018, Available at <https://theintercept.com/2018/05/09/saheed-vassell-nypd-plain-clothes>

¹³ Rachel Holliday Smith and Eileen Grench, Know Your Rights With the NYPD's New 'Neighborhood Safety Teams', *The City*, 2022, Available at <https://www.thecity.nyc/justice/2022/3/21/22990229/eric-adams-neighborhood-safety-teams-plainclothes-cops-nypd-rights>

¹⁴ New York City Police Department, *Investigative Encounters*, <https://www.nyc.gov/site/nypd/stats/reports-analysis/investigative-encounters.page>

Public defenders usually become aware of police misconduct in connection with an encounter that results in an arrest. It is only after an arrest that someone is brought to court and speaks with their attorney about what happened to them. The vast majority of police-citizen encounters that do not result in an arrest go unreported or are overlooked. That is why data from the How Many Stops Act is critical. Also included in NYPD's first report is that more than half of police initiated stops of citizens are "self-initiated" and not in response to any reported crime and the number of stops has been increasing, as NYPD is on track to exceed the number of stops in 2023, demonstrating a trend of escalating the use of terry stops under the current NYPD.¹⁵

Our hope is that the data obtained from the How Many Stops Act will assist the city and the public in monitoring and regulating the actions of the NYPD, especially given the increase in their budget and staffing numbers, and near constant presence in primarily Black, Latine, and low-income neighborhoods.

Oversight of Body Worn Camera and other Surveillance Technology is Crucial for Police Accountability

Body worn cameras, if utilized properly, can shed light on the thousands of law enforcement interactions many New Yorkers, particularly Black and Latine people, experience each day. Police misconduct continues to go unmonitored and unchecked. The secrecy of police disciplinary systems perpetuates this misconduct and precludes public scrutiny of law enforcement. Research has shown that officers wearing body cameras were involved in fewer use-of-force incidents and body worn cameras can also increase the likelihood that an officer acting on racial biases—or committing misconduct—will be discovered, investigated, and disciplined.¹⁶

Body cameras are only a useful tool to assist in transparency and accountability if they are used properly and judges, prosecutors, and law enforcement officers investigate and carry out disciplinary measures for incidents of misconduct. Moreover, timely access to evidence, especially body camera footage, is critical for defense attorneys to conduct the investigations, research, and analysis necessary for their clients to receive a complete defense. For external sharing, each of the NYPD's data systems are designed to make the collection and sharing of information—particularly the kind of information required by New York's discovery statute—quick, straightforward, and simple. However, even though it has never been easier to disclose information electronically in a timely manner, turnover of discovery, including body camera footage, continues to be inexcusably delayed. These delays can be directly attributed to a fundamental lack of transparency about NYPD's systems and NYPD's failure to turn over their records to the District Attorneys, causing pre-trial delays and backlogs in the court system.

¹⁵ *Id.*

¹⁶ See Murphy, Julian R., *Is It Recording? Racial Bias, Police Accountability, and the Body-worn Camera Activation Policies of the Ten Largest U.S. Metropolitan Police Departments in the USA*, 9 Column. J. Race & L. 141 (2018).

ShotSpotter, a gunshot detection technology employed by the NYPD, is another example that demonstrates the urgent need for enforceable standards and oversight of X. ShotSpotter operates through an extensive network of microphones mounted in targeted neighborhoods, predominantly in Black, Latine, and low-income communities, designed to detect percussive sounds and classify them as gunfire or not based on a combination of algorithmic analysis and human review. However, the NYC Comptroller's recent audit found that ShotSpotter's classifications were accurate only 13% of the time, meaning that 87% of alerts led police to non-gunfire events, often consuming officer resources without adding meaningful safety benefits.¹⁷ Further, Brooklyn Defender Services' own report analyzes nine years of NYPD's Shotspotter performance data, confirming that over the entirety of its use in NYC, over 83% of alerts were not determined to be gunfire.¹⁸

ShotSpotter's lack of accuracy is not only a potential drain on resources; since ShotSpotter alerts frequently lead to stops based on alerts we now know are highly inaccurate, the system increases the likelihood of stop-and-frisks without reasonable suspicion or legal justification. Essentially, ShotSpotter functions like an unreliable informant, with police using its alerts to justify stops that lack the evidentiary support required for reasonable suspicion. This pattern not only leads to unjustified stops but also increases the chance that police responding to an alert will approach on heightened alert, raising the risk of escalation during interactions that are based on faulty information. Chicago, along with several other large cities, has since canceled its wasteful and dangerous ShotSpotter contract. New York City's own contract with ShotSpotter is up for renewal in December. While technological tools like Shotspotter are marketed as simple ways to increase NYPD efficiency, these tools fundamentally alter the landscape of policing and surveillance, disproportionately burdening communities that are already facing the brunt of police interaction and violence.

Despite its inaccuracies and unreliability, NYPD has still not officially cancelled its contract with Shotspotter, which was up for renewal on December 12, 2024, effectively "Tech-Washing" its approach to broken windows policing, i.e. providing technical justification for disproportionate deployment to Black neighborhoods for policing when that technical alert is neither accurate nor valid.¹⁹

¹⁷ Office of the N.Y.C. Comptroller, *Audit Report on the New York City Police Department's Oversight of Its Agreement with ShotSpotter Inc. for the Gunshot Detection and Location System* (June 20, 2024), <https://comptroller.nyc.gov/reports/audit-report-on-the-new-york-city-police-departments-oversight-of-its-agreement-with-shotspotter-inc-for-the-gunshot-detection-and-location-system/>.

¹⁸ Brooklyn Defender Services, *Confirmed: ShotSpotter Technology Increases Surveillance and Policing of Black and Latine New Yorkers, While Failing to Reduce Gun Violence*, (December 2024), <https://bds.org/assets/files/Brooklyn-Defenders-ShotSpotter-Report.pdf>

¹⁹ Nick Pinto, 83 Percent of ShotSpotter Alerts Might Not Have Been Gunfire at All, *HellGate*, (December 4, 2024), <https://hellgatenyc.com/nypd-shotspotter-data-report/>

The ever-increasing budget of the NYPD is not only concerning to public defenders, but should be concerning to all New Yorkers. New York City has already invested more than \$1 billion in a twenty-year surveillance infrastructure building program.²⁰ The city is blanketed in surveillance.²¹ No police department in the country has more military-grade surveillance resources than the NYPD. These tools have done nothing to stop or ameliorate the claimed spike in violence. All they have accomplished is expanding a burgeoning surveillance state, repeatedly infringing on New Yorkers' dignity, privacy, and First Amendment freedoms.²² Transparency in funding for NYPD is necessary for the city to have meaningful oversight of the department²³ and information on surveillance technology that is available to the NYPD.²⁴

We Must Hold NYPD Accountable

It is impossible to divorce modern American policing from its roots in racist and classist enforcement. The New York City Police Department was formed in 1845 in direct response to workers' rights demonstrations, an influx of immigrant populations, and demands by elites to crack down on so-called quality-of-life behaviors associated with these communities. These formative directives and punishment paradigms are still present today. Neighborhoods that are subjected to constant police presence and surveillance are also home to community members who are most likely to be abused at the hands of the NYPD. They are also the exact neighborhoods in which the NYPD chooses to deploy teams of plainclothes officers, like Neighborhood Safety Teams.

²⁰ Ali Watkins, How the N.Y.P.D. is using Post-9/11 Tools on Everyday New Yorkers, NYTimes (Sept. 8, 2021) at <https://www.nytimes.com/2021/09/08/nyregion/nypd-9-11-police-surveillance.htm>

²¹ See, e.g., Amnesty International, Inside the NYPD's Surveillance Machine at <https://banthescan.amnesty.org/decode/>.

²² See, e.g., Elizabeth Daniel Vasquez, Dismantle NYC's Mass Surveillance Project – Start with Jail Recordings, Truthout.org (June 1, 2021) at <https://truthout.org/articles/dismantle-nycs-mass-surveillance-project-start-with-jail-recordings/>; James Vincent, NYPD used facial recognition to track down Black Lives Matter activist, TheVerge.com (Aug. 18, 2020) at <https://www.theverge.com/2020/8/18/21373316/nypd-facial-recognition-black-lives-matter-activist-derrick-ingram>; Jan Ransom and Ashley Southall, N.Y.P.D. Detectives Gave a Boy, 12, a Soda. He landed in a DNA Database, NYTimes (Aug. 15, 2019) at <https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>.

²³ See Also Int [0948-2023](#). The bill would increase the frequency and expand the scope of existing reports required to be produced by the New York City Police Department ("NYPD"). Such reporting includes, but is not limited to, disclosure of information and data related to the NYPD's use of stop-question-and-frisk, its deployment of officers and use of overtime spending, and crime status information, such as data on criminal complaints, arrests, and summons issued. Additionally, all such reports would be required to be publicly posted on the NYPD's website.

²⁴ "[The Police Foundation's] 2019 filing describes funding that "provides equipment, expertise, training and technical services to upgrade the NYPD's technological capabilities," including "installing cutting-edge software and upgrading database security and infrastructure." at Greg Smith, NYPD Backs Bill to Disclose How it Spends Private Donations—But Isn't Divulging Yet, *The City* (March 29, 2023) at <https://www.thecity.nyc/2023/3/29/23661122/nypd-police-foundation-law-enforcement>.



As defenders, we see the direct results of two salient data-backed trends that are consistent with this bias in enforcement: Black and brown New Yorkers are disproportionately targeted for stops and arrests, and individual officers who engage in racist, biased, or hateful behavior remain on the job. It is imperative that we recognize racist policing includes instances that do not involve direct statements of racist intent. We cannot allow the biases displayed by these specialized units and the egregious practices they employ to continue to entangle Black and Latine New Yorkers in the criminal legal system.

Conclusion: A Return to Broken Windows Policing.

Overall, the creation of these specialty groups, task forces, and response teams, combined with a web of surveillance technologies, represents a covert return to broken-windows policing and the stop-and-frisk abuses of the late 1990s and early 2000s. Through them, the NYPD has created a new locus for police-citizen encounters, one that not only lacks oversight and increases the number of unnecessary stops New Yorkers are subjected to, but also one that poses an increased risk of violence for vulnerable New Yorkers. We are hopeful that the data the Council receives from the How Many Stops Act, along with the testimony from impacted advocates and organizations, will assist the city in regulating and controlling the city's police force, which continues to trample on the rights of the citizens it has sworn to protect.

Thank you again to the Committee on Public Safety, Chair Salaam, and Speaker Adams for the opportunity to address the Council about the NYPD's use of Stop and Frisk. Please reach out to Jacqueline Gosdigian, Supervising Policy Counsel with Brooklyn Defender Services, at jgosdigian@bds.org with any questions.

**TESTIMONY OF SAMAH SISAY, ESQ.
CENTER FOR CONSTITUTIONAL RIGHTS**

Presented to the New York City Council Committee on Public Safety
Regarding the NYPD's Use of Stop-and-Frisk and Other Investigative Encounters

December 16, 2024

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

My name is Samah Sisay, and I am an attorney at the Center for Constitutional Rights—a member organization of Communities United for Police Reform. Thank you for the opportunity to testify today regarding the NYPD's use of stop, question, and frisk and other investigative techniques.

In February 1999, officers of the NYPD's now disbanded plainclothes Street Crime Unit killed Amadou Diallo during a stop and sparked outrage both within and beyond New York City. Since Mr. Diallo's death, millions of New Yorkers have been subjected to restriction of their freedom of movement, humiliation, unlawful arrest, unlawful search, physical injury and even death because of the Department's stop and frisk practices.

The Center for Constitutional Rights has served, along with co-counsel at the law firm of Beldock, Levine, and Hoffman, for over a decade as lead plaintiffs' counsel in *Floyd v. City of New York*, the federal civil rights class action lawsuit that successfully challenged the NYPD's stop-and-frisk practices. In August 2013, following a nine-week trial, a federal judge found the NYPD liable for a pattern and practice of racial profiling and unconstitutional stops.

The Court's decision in *Floyd* (which dealt predominately with street stops), along with the resolution of two other federal lawsuits – *Davis* (a challenge to

the NYPD's practice of unlawful and racially discriminatory stops and arrests of NYCHA residents and their visitors) and *Ligon* (challenge to the NYPD's practice of unlawful trespass stops in and around private apartment buildings) resulted in a federal court monitorship requiring various changes to the NYPD's practice of stopping civilians—changes which, **eleven years later**, the Department has yet to fully implement.

As ordered by the Court, the NYPD has engaged in trainings, revised stop forms, and started using body-worn cameras yet the NYPD's continuing failure to ensure adequate supervision, accurate documentation for stops and discipline for still-prevalent racial profiling means they are not in compliance with the Court order to engage in constitutional policing.

In fact, we have seen an increase in unconstitutional stops by the NYPD over the past few years and racial disparities have worsened, with Black and Latinx New Yorkers making up almost 90% of reported stops. There were 16,971 self-reported stops by NYPD officers in 2023—the highest number of reported stops since 2015. Yet we know that even this data cannot be trusted. The federal monitor has consistently found in public reports that the NYPD is not properly documenting and reporting on all stops that take place—with almost 30% of stops not being recorded properly. There are also many circumstances in which officers incorrectly label an encounter as low level but upon review of body worn camera footage it becomes evident that the encounter was actually a stop that required reporting.

The Level 1 and 2 encounter reporting requirements of the How Many Stops Act (HMSA), which was originally a reform suggested by impacted New Yorkers during the Floyd Joint Remedies Process, is one positive step towards tracking these encounters but incident level data is needed for further analysis.

According to the federal monitor, the NYPD's specialized units make a majority of unlawful stops. Housing Bureau stops are less compliant than those of the Department as a whole. In 2022, only 77% of stops by Housing Bureau officers at NYCHA properties were lawful. The highly-trained neighborhood safety teams (“NSTs”) – Mayor Adam’s revamped street crime unit – are also engaged in a high number of unlawful stops: even with officer underreporting, the data shows that over 24% of NST stops reviewed by the monitor are unlawful, nearly everyone stopped is Black or Latino, and supervisors routinely approving bad stops by NST officers. The same problem exists with other specialized units like the Public Safety Teams (“PSTs”) and the Community Response Teams (“CRTs”).

Lastly, officers are rarely disciplined for unconstitutional stops and frisks, even when substantiated by the CCRB. In September, the Court published a comprehensive report authored by a member of the monitor team, retired Judge James Yates, highlighting severe issues with the NYPD disciplinary system. For example, the current NYPD discipline matrix only recommends three-day lost vacation time as a penalty for an illegal stop, frisk, or search of person, yet even this level of discipline is a rarity – as supervisors and Police Commissioners regularly excuse illegal stops, frisks, and searches of New Yorkers.

Unconstitutional stops, questions, and frisks are still a problem in New York City. The NYPD continues to stop thousands of New Yorkers, racial disparities have worsened, and much more must be done to ensure police accountability and true community safety.

Courtney Bryan, Executive Director

**Center for Justice Innovation
New York City Council
Committee on Public Safety
December 16, 2024**

Good morning Chair Salaam and esteemed members of the Committee on Public Safety. My name is Mylana Gerard and I serve as the Coordinator of Youth Initiatives at the Bronx Community Justice Center, an initiative of the Center for Justice Innovation. Thank you for the opportunity to testify today.

The Center for Justice Innovation (the Center) provides community-based programming that improves public safety and connects New Yorkers and young people to resources like mental health supports, leadership development, access to entrepreneurship, and pipelines to meaningful employment.

Ample research shows that the practice of stop-and-frisk continues to harm vulnerable communities' relationships with the police. A study of young people living in highly patrolled, high-crime areas in New York City found that eighty-eight percent of young people believed residents of their neighborhood did not trust the police. In addition, just one in four said they would report someone who committed a crime. The young people who had been stopped more often were even less willing, even when they were the victims. Each additional stop in the span of a year is associated with an eight percent drop in the person's likelihood of reporting a violent crime they might experience.¹ These stops only serve to decrease the effectiveness of police investigative efforts by making it less likely that victims and those at risk will share information and report crimes in their neighborhoods.

It is well documented that the use of stop-and-frisk is deeply racialized. Nine of the ten precincts with the highest stop rates have been in predominantly Black and Brown neighborhoods (defined as over 80 percent residents of color). Six of the ten precincts have been home almost exclusively to Black and Brown residents (defined as over 90 percent residents of color). Between 2003 and 2023, Black New Yorkers made up fifty-two percent of stops despite just being twenty-three percent of the population.²

Alarmingly, stop-and-frisk has disproportionately impacted young people. In the last two decades eighteen to twenty-four year-olds were stopped at a rate of 2,070 for every 1,000 NYC residents between the ages of eighteen and twenty-four. New Yorkers between the ages of fifteen and seventeen were stopped at an even higher rate, 2,127 stops per 1,000 residents.³

In addition, stop-and-frisk is being used to populate the NYPD's Gang Database, creating another deeply racialized tool, with 99 percent of people in the database being Black or Latino. This hyper surveillance has resulted in children as young as eleven being added to the database, marking them for

¹ Fratello, J., Rengifo, A. F., Trone, J., & Velazquez, B. (2013, September). *Coming of Age with Stop and Frisk: Experiences, Perceptions, and Public Safety Implications*. Vera Institute of Justice. <https://www.vera.org/downloads/publications/stop-and-frisk-technical-report-v4.pdf>

² New York Civil Liberties Union. (2022, December 12). *A Closer Look at Stop-and-Frisk in NYC*. New York Civil Liberties Union. <https://www.nyclu.org/data/closer-look-stop-and-frisk-nyc>

³ Ibid.

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life, as they can not be removed once added. No criminal conduct whatsoever is required to be identified as a gang member. Participants in our programming report that activities as simple as getting food at their neighborhood deli or greeting a childhood friend is enough to have them placed in the database. Furthermore, participants living in NYCHA say that they are regularly targeted for the database, simply as a result of where they live. Like the stop-and-frisk narrative, gang affiliation is defined so broadly that NYPD can capture any neighborhood or individual they deem suspicious.

There are three ways for the NYPD to add a person to the Database:

1. Through acknowledgment, which can be inferred from social media and anything as simple as using certain emojis or posting photos with known gang members.
2. Officers have discretion to believe someone is in a gang based on two independent sources. But 27 percent of people added on this basis had one or zero sources named.
3. Officers observe two of several factors, such as: presence at a known group location, (for ex. NYCHA housing) scars or tattoos, wearing certain colors, using hand signs, associating with gang members, or social media.

These factors are often innocuous and have no bearing on dangerous or harmful conduct. According to participants in the communities we serve, as well as an abundance of research, these harmful practices damage trust between the police and the communities they serve. In order for the co-production of true public safety, trust is absolutely crucial. We must stop the excessive use of stop and frisk and end the Gang Database.

Our community members deserve to feel safe. For participants, safety looks like the ability to walk through their communities without the fear of being stopped by the police when they are not engaging in adverse activity. Throughout our community programs, we have learned firsthand the impact harmful policies such as stop and frisk and the Gang Database have had on youth specifically.

Alternatively to utilizing methods such as stop-and-frisk and the Gang Database, we recommend relying on community-based solutions that positively engage residents to produce safety through holistic programming referred to below.

Neighbors in Action

Neighbors in Action (NIA) is a neighborhood institution that aims to improve community collaboration, foster local leadership, and make the neighborhoods of central Brooklyn safer and healthier for all residents. Staff work to reduce community violence and the negative impacts of the criminal justice system by addressing root causes such as poverty, trauma, and racism. Since its founding, Neighbors in Action has developed multiple programs ranging from anti-gun violence initiatives to therapeutic services and activities to cultivate youth empowerment through civic engagement and workforce development.

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- Promoting Community-led Approaches to Safety: NIA mobilizes local residents to promote peace and safety. The Save Our Streets program, which takes a public health approach to ending gun violence, described in more detail in the next section, has been documented to reduce shootings.
- Healing: NIA's community healing and well-being programs give participants (all of whom are youth who have experienced violence) the tools they need to overcome trauma and succeed. All programming takes into consideration collective or historical trauma and resilience in order to heal.
- Aiding Neighbors: Doors are open to anyone who wants to come in for help. Services include helping people find jobs, apply for benefits, and access basic services. In partnership with the Legal Hand program, local residents are trained to provide legal information to their neighbors so they can resolve housing, family, immigration, and other issues. There is also an on-site lawyer who provides free legal assistance to community members.
- Placekeeping: By creating places that are welcoming, accessible, familiar, and conducive to economic development and social interaction, placekeeping can tip the scales in favor of safe and vibrant communities without relying on conventional law enforcement responses. Placekeeping is more than just space improvement or beautification, it is as much about cultivating resident decision-making as it is about environmental design. Annual activities include street festivals, arts campaigns, and events in spaces identified by program participants. NIA also facilitates residents to activate under-resourced and underdeveloped spaces to help promote ways that they can be transformed into spaces that are joyful, healthy, and engaging.
- Investing in Youth: NIA engages youth from the Bedford-Stuyvesant and Crown Heights neighborhoods of Brooklyn, New York, with a focus on long-term investments, such as building transformative relationships and creating scaffolded opportunities for skill-building in meaningful educational, recreational, vocational, and artistic opportunities. Staff works with teens to implement meaningful youth-led community projects to solve community issues. Teens are trained to become peer leaders and community organizers and help prepare young adults for the world of work. Many alumni stay involved and participate in leadership and organizing work after they graduate from our programs.

Bronx Community Justice Center

The Bronx Community Justice Center works to create a safer, more equitable South Bronx through community-driven public safety initiatives, youth opportunity, and economic mobility efforts. Using a neighborhood-centric, localized model, meaningful engagement ensures programming is deeply embedded locally and thus maximally effective.

The Center offers an expansive array of programming in the areas of youth opportunity, neighborhood investment, economic mobility, and community healing.

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- **Economic Mobility:** The Justice Center recognizes that long-term community safety cannot be achieved without addressing poverty, marginalization, and structural racism. An integral part of our safety approach is supporting mobility out of poverty through a combination of entrepreneurship training, support for local investment, and the creation of safe public spaces and business corridors that attract businesses, customers, activity, and investment. The Center offers OSHA and security certification programming and community internships. Participants have access to hands-on, project-based training to develop and launch a business. Through workforce development workshops, youth gain the skills needed to develop their side hustles into entrepreneurial ventures while also creating collective projects focused on community safety and healing.
- **Workforce Development:** The Center offers leadership development, project-based learning, and non-traditional workforce development opportunities. The neighborhood-centric program model is rooted in creative social enterprise that builds hard and soft skills, provides paid internships, and creates employment pipelines. This work features a range of paid, interest-and project-based internships in technology, entrepreneurship, and digital media and design.
- **High School Equivalency:** This programming on-site offering allows participants to study and obtain their diploma with programming tailored to their specific needs. This programming is integrated with the Justice Center's youth and workforce programs to increase participants' engagement and success.
- **Insight Initiative:** This alternative to incarceration program was designed specifically to serve young people facing gun and other felony charges. Recognizing that many of these youth have been impacted by violence and/or gang involvement, the program uses a transformative, healing-centered model that includes individual counseling, credible messenger mentorship, and evidence-based group programming. Insight Initiative allows youth to take accountability for their actions, contribute to their communities and address root causes to prevent future justice involvement.
- **Neighborhood Investment:** The Justice Center helps residents transform neglected spaces, converting high-crime areas into safe, inclusive public spaces in which social and commercial activity can flourish. To this end, the Justice Center employs placekeeping – a crime prevention through environmental design (CPTED) strategy that creates avenues for youth and adult community members to impact their neighborhood by conceiving, designing, and implementing changes to public spaces to address the underlying causes of violence such as disinvestment and marginalization.
- **Community Healing:** The Justice Center supports healing from trauma on an individual level, while also incorporating a broader community healing approach to truly create a transformational experience for not only youth, but the impacted community as a whole. The Justice Center facilitates peer- and gender-based programming focused on healthy relationships, wellness, and

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trauma and healing. A key feature of this programming is holistic case management, which occurs alongside outreach, engagement, and mentorship, to address any additional needs participants may have, including obtaining education, housing, benefits, and additional social services.

Save Our Streets (S.O.S.)

The Save Our Streets (S.O.S.) program is offered out of both Neighbors in Action and the Bronx Community Justice Center.

S.O.S. is a replication of the Cure Violence model, which employs a public health approach to prevent gun violence, partnering with local organizations, faith leaders, residents, and the individuals most likely to be involved in a shooting. Our staff prevent gun violence from occurring by mediating conflicts and acting as peer counselors to people who are at risk of perpetrating or being victimized by violence. We work closely with neighborhood leaders and businesses to promote a visible and public message against gun violence, encouraging local voices to articulate that gun violence is unacceptable. These local voices are respected pillars of the community, adults that youth and their families know and trust.

Using public health strategies, S.O.S. seeks to prevent the spread of violence. Its key elements are:

- **Community Outreach and Hospital Response:** The program deploys outreach workers and violence interrupters who engage youth and adults in the community at risk of perpetrating or being victimized by violence. The staff, who all have intimate knowledge of life on the streets, serve as counselors, offering advice and guidance on how to respond to conflicts without violence. They use positive peer pressure to redirect high-risk individuals towards school or jobs and help them think and behave differently about violence. Violence interrupters' primary focus is to prevent shootings from occurring by engaging in mediation. Hospital responders partner with local hospitals to respond to shooting injuries, connecting with gunshot-wound victims and their families at the hospital to offer resources and prevent retaliation.
- **Public Education:** S.O.S. staff and volunteers distribute palm cards and posters with messages that promote peaceful conflict resolution, decry violence, and offer S.O.S. as a safe resource for people at risk of experiencing gun violence. Merchants have signs in their windows to support our "Stop Shooting. Start Living," message and count the number of days since the last shooting. Social media, texting, and e-mails keep the community updated and involved. S.O.S. campaigns are often designed particularly to reach youth with a specific, thought-provoking focus.
- **Faith-Based Leaders:** Faith-based organizations are an essential partner in the S.O.S. violence-reduction strategy. Faith-based leaders are encouraged to preach against gun violence from their pulpits, attend vigils, counsel people who are potentially involved in gun violence, and refer high-risk individuals to the program.

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- **Community Mobilization:** S.O.S. has built strong relationships with local businesses and agencies to spread an anti-violence message and promote community collaboration. Staff, participants, and volunteers organize block parties, arts showcases, presentations, and trainings to advance the idea that gun violence is both unacceptable and preventable. The program organizes community forums, rallies and marches, speak-outs, and barbecues to advance a simple idea: our community is moving past gun violence. S.O.S. also organizes a rally or vigil in the location of every shooting to call attention to and denounce the tragic results of violence. Local residents work as canvassers to promote events and disseminate program information.

Reimagining Intimacy through Social Engagement (RISE) Project

The RISE Project transforms responses to intimate partner violence, focusing specifically on its intersection with gun violence. Gun violence and intimate partner violence are often viewed as separate problems that require different responses, but neighborhoods impacted by high rates of gun violence also have the highest levels of reported domestic violence incidents. Access to a gun makes it five times more likely that a partner experiencing abuse will be killed.⁴

The need for these services is increasing, as domestic violence related homicides are displaying startling upward trends. According to a recently released report from the Mayor’s Office to End Domestic and Gender-Based Violence, there were 71 domestic violence homicide deaths in New York in 2022, up nearly 15% from the year before.⁵ Black and Hispanic women were disproportionately affected, with Black women comprising 41% of the victims despite representing just 21% of the population and Hispanic women comprising 36% of the victims, despite making up just 28% of the population. This disproportionate effect also extends to the boroughs, with Brooklyn experiencing a 225% escalation in intimate partner homicides and the Bronx experiencing a 57% increase.⁶ Seeing these disturbing data trends, it is imperative that we increase funding to these services, rather than decrease.

In neighborhoods across New York City, RISE implements community-centered interventions that build local capacity to respond to and prevent intimate partner violence. RISE works with people causing harm in their relationships to stop the violence and transform behaviors and offers people experiencing harm the support they need to navigate systems to obtain safety. RISE’s program offerings

⁴ Jacquelyn C. Campbell et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” *American Journal of Public Health* 93, no. 7 (July 2003): 1089–97

⁵ Shwe, E., Carlson, S., & Pinder, H. (2024, February 10). In NYC, 2022 was a grim year for domestic violence homicide. Things have gotten worse.

<https://gothamist.com/news/in-nyc-2022-was-a-grim-year-for-domestic-violence-homicide-things-have-gotten-worse>

⁶ Graham, A. (2024, January 31). Domestic violence-related homicides skyrocket in NYC, according to new report. https://www.amny.com/news/domestic-violence-homicides-skyrocket-nyc/?oref=csny_firstread_nl

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seamlessly integrate public health, healing-centered approaches, and restorative justice strategies through the following:

- **Community Initiatives:** By engaging communities most impacted by violence, RISE builds capacity to co-create safety in the community and within our homes by changing the societal norms that tolerate intimate partner violence. RISE implements community healing, placekeeping, and community organizing strategies that activate neighborhood spaces to prevent violence and support healthy relationships. Youth programming provides space for youth to understand how to maintain healthy relationships, develop youth advocacy projects, and build networks of peer support.
- **Prevention Strategies:** RISE engages community members to play a role in preventing, responding to, and ultimately ending intimate partner violence through workshops, youth programs, community events, and neighborhood-specific public education campaigns.
- **Capacity Building:** Through tailored training and technical assistance to community-based and gun violence prevention organizations, RISE builds community capacity to prevent violence, support healthy relationship norms, and reduce tolerance for intimate partner violence.
- **Crisis Response:** RISE responds to crises through immediate interventions and addressing existing service gaps that make it difficult for those most marginalized or impacted by intersectional violence to access support.
- **Youth Programs:** RISE engages youth to develop and implement projects focused on changing harmful behaviors around intimate partner violence. Youth learn about dating violence, consent, and navigating relationships through workshops, public education campaigns, arts initiatives, and community events.
- **Transformative Initiatives:** Community-based interventions engage individuals who cause harm in their intimate relationships. The goal for the individual is to stop causing harm, take accountability, and change their behavior to ultimately prevent abuse.
- **Individual Interventions:** RISE provides individual services to support participants in recognizing the root causes of their harmful behaviors and co-creates strategies to change behavior using an intersectional and restorative framework.
- **Group-Based Interventions:** RISE supports people to hold themselves accountable and to build networks of peer accountability through group interventions. Voluntary, neighborhood-based groups facilitated by trained staff provide accessible space to challenge harmful behaviors and beliefs around intimate partner violence.
- **Community Strategies:** RISE provides community healing circles and interventions to provide ongoing support when violence has been caused in the community. RISE also develops tools, trainings, and interventions to increase community engagement to challenge violence such as bystander intervention trainings, community-focused safety planning, and community campaigns.

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Brownsville Community Justice Center

The Brownsville Community Justice Center recognizes that safe and healthy neighborhoods have strong local institutions, dynamic connections among residents, and meaningful relationships with government. The Justice Center endeavors to create these preconditions for safety by strengthening Brownsville's social infrastructure, activating its public spaces, and expanding the opportunities available to young people. When crime does occur, the Justice Center works to ensure that the justice system responds in ways that are proportionate, constructive, and restorative. Key elements of the Brownsville Community Justice Center include:

- **Youth Development:** The Justice Center offers a broad range of youth development initiatives for area young people. The goal is to link young people to positive, pro-social activities and provide them with pathways to education and employment as a crime prevention strategy.
- **Tech Lab:** The tech lab is an on-site computer room developed in partnership with the New York City Police Department to address a pressing need for educational support and workforce development amongst young people in Brownsville. The lab offers drop-in and scheduled programming to help participants improve their reading and writing abilities, critical thinking, and other skills.
- **Gender-based Programming:** The Brownsville Girls Collaborative (BGC), a cornerstone of programming at the Brownsville Community Justice Center, is a leadership development program focused on the holistic empowerment of young women in the community. The program creates a safe space for young women from Brownsville, who are at high risk of violence or justice involvement, to engage with Justice Center staff, facilitators, and one another. Throughout the year, the Justice Center will work with BGC participants to address the root causes of trauma, violence, and risk behaviors to reduce justice system contact and develop participants into positive actors within the Brownsville community.
- **Insight Initiatives:** Insight Initiatives is a diversion and alternative to incarceration program for youth and young adults ages 13-24. The program is specifically designed to engage youth who have been impacted by violence and/or gang involvement. Using a transformative, healing-centered model, Insight Initiative allows youth to take accountability for their actions, contribute to their communities and address root causes to prevent future justice involvement. Many youth have also experienced harm and trauma. Insight offers support so that youth have an opportunity for healing.

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Staten Island Justice Center

The Staten Island Justice Center provides an array of programs for both youth and adults that are impacted by the justice system. Services include individual counseling, psychoeducational group programming, youth leadership, mentorship programming, and workforce development training for opportunity youth. For justice-involved clients, the Justice Center's holistic approach seeks to prevent the negative consequences that often accompany contact with the criminal legal system while addressing clients' needs in order to prevent future system involvement. Youth programming is aimed at providing participants with leadership development tools and connecting them to opportunities that promote positive engagement with the community. Offerings include:

- **Youth Impact:** Youth Impact engages young people to become transformative leaders in their communities and beyond. Members work in paid internships working to learn leadership skills, prevent youth involvement with the criminal legal system through peer-led diversion, and develop and pilot projects to create positive community impact. Youth Impact aims to hire youth who have been directly impacted by criminal legal systems as interns with the belief that those who have been most impacted are most able to lead, develop meaningful solutions, and influence their peers.
- **Youth Wellness Initiative:** The Staten Island Justice Center's Youth Wellness Initiative provides social-emotional support and learning opportunities to youth 13-18 who are court-involved or at risk of court involvement. Services are provided by trained mental health professionals and youth engagement specialists. Youth Wellness participants have access to short-term individual counseling as well as social and emotional learning workshops.
- **Works Plus:** In collaboration with the New York City Council and the Department of Probation, Works Plus engages Staten Island youth and young adults ages 16 to 30 who are affected by gun violence in pro-social activities that focus on educational advancement, life skills, and job readiness. Each year, over two dozen people from Staten Island engaged with Works Plus.
- **The Spot:** Our Staten Island Justice Center is home to one of New York City's Family Enrichment Centers – resident-led spaces where parents and children can find support, community, and free services. Dubbed “The Spot” by residents, the Family Enrichment Center at our Staten Island Justice Center hosts holiday and birthday celebrations, laundry services, and a community closet where up to 100 residents each week can find clean clothing, shoes, food, household goods, and more. On Thanksgiving and Christmas, we distributed free meals and gifts to hundreds of families and children at the Spot.
- **Project Ready:** Project READY is an alternative-to-detention program that provides case management, after-school programming, and rigorous compliance monitoring for young people with pending delinquency cases in Family Court. Staff use a wide range of engagement strategies

Courtney Bryan, Executive Director

for participants and family members to promote compliance. Youth who successfully complete Project READY are more likely to avoid placement and receive community-based dispositions than those who are detained.

- Alternatives to Detention: The Center runs Supervised Release, an Alternative to Detention, employing social workers and case managers who check in regularly with participants. Not only do they help plan for upcoming court dates and address needs and barriers to court attendance, but also to connect them to community-based resources and services that can provide lasting support beyond the duration of a court case.
- Alternatives to Incarceration: Staten Island Justice Center offers a number of short and long-term social service options, including clinical intakes and assessments, case management, and specialized programming (community service, Driver Accountability Program, Theft Accountability Program). Service also includes referrals to onsite and community-based services (including psycho-educational programming, job training, counseling, and GED classes). Through these alternative-to-incarceration services, Staten Island Justice Center seeks to better address the underlying causes of peoples' involvement in the criminal justice system, reducing the likelihood of future involvement and increasing community safety

Conclusion

Residents deserve to feel safe in the communities they reside in. Over-policing and surveillance conducted through methods such as stop-and-frisk and the Gangs Database fracture trust and disproportionately harm young people and people of color. Community programs, developed in partnership with residents, empower young people providing them with an abundance of tools and resources to flourish. We urge the Council to leave broad-strokes policing behind, relying instead on tailored programming that suits residents needs.

Testimony of Caitlyn Passaretti
Citizens' Committee for Children of New York

Committee on Public Safety
Oversight Hearing on the NYPD's Use of Stop-and-Frisk and Other Investigative Encounters
December 16th, 2024

Since 1944, Citizens' Committee for Children of New York has served as an independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated, and safe. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce; our priority is improving outcomes for children and families through civic engagement, research, and advocacy. We document the facts, engage and mobilize New Yorkers, and advocate for solutions to ensure the wellbeing of New York's children, families, and communities.

We would like to thank Chair Salaam and members of the Public Safety Committee for hosting this pivotally important hearing on the NYPD's use of stop and frisk. The central ingredients for youth and community safety are robustly funded services, including youth development programs, employment, housing, food access, and educational supports, among others. Currently, teen and youth unemployment rates in NYC are higher than national averages, at 27% for 16–19-year-olds and 15% for 20–24-year-olds. In 2022, 12.3% of youth ages 16-24 in NYC were disconnected, meaning they were neither in school nor working.¹ Our city must invest in initiatives to support young people and promote their mobility and well-being. This testimony will outline the NYPD data demonstrating a disturbing increase in stop and frisk and we will urge the city to listen to youth identified needs and solutions to make communities safer.

Data

Recent NYPD data indicates a dramatic increase in criminalization and unconstitutional stops of Black and Brown New Yorkers, including youth. Stops for those 18 and under have risen 146% from 2021 to 2023, bringing back broken windows policing practices that were found to be unconstitutional over a decade ago.² During the same time period (2021-2023), the number of calls received by NYC's Civilian Complaint Review Board has risen by 47%. Of these complaints, 65% are for abuse of authority and most of these abuse of authority complaints included complaints for unwarranted stops.³ Furthermore, 53% of stops for those 18 and under are initiated due to suspected possession of a criminal weapon but only 9% of these stops end in arrest for weapon possession – a significant discrepancy. Many of these children are frisked in these encounters (68%) but only 8% of children frisked by the police are asked for their consent. Stop and frisk continues to be a racist practice - 65% of stops for children under 18 were Black.⁴

Investments in Youth

Change is needed now. The city must prioritize youth investments to support mobility, well-being and sustainable community safety. In citywide surveys, participatory research, and the Youth Agenda, youth have consistently shared what they want: equitable education, employment opportunities, affordable housing, access to behavioral health care, food security and the creation of community based third spaces. Investing in such services and resources would provide more youth with opportunities, places of connection, mentorship, and sense of community. Unfortunately, the Adams administration has cut funding from COMPASS afterschool programs, as well as a host of mentorship and alternative to

incarceration programs that were supporting justice involved youth. And the affordability crisis facing our city leaves housing, food, behavioral health care unacceptably out of reach for far too many.

Recommendations

We can and must do better. We must put an end to unconstitutional stops of youth, and we must invest in them and their communities.

- Dismantle and cease use of the NYPD gang database which is analogous to stop and frisk - aggressively sweeping up young people, nearly all of them Black and Brown, and increasing their exposure to the criminal legal system.
- Invest in employment and vocational training in trades and emerging industries,
- Invest in SYEP and Work Learn Grow
- Ensure investments in community programming expands the capacity of essential service providers to remain open with expanded hours evenings, weekends, and holidays
- Implement City FHEP reforms to promote housing stability
- Prioritize staffing at Nonprofits and City agencies to facilitate benefits access, and
- Restore funding to COMPASS Afterschool and ATI/ATD programs
- Baseline funding for the Mental Health Continuum
- Invest wraparound funding in school-based mental health clinics to enable them to cover service costs that are not covered through the current Medicaid reimbursement model.
- Fund the Youth Mental Health Initiative through a new City Council Initiative to provide flexible mental health services for youth programs run by CBOs



Testimony of the GANGS Coalition
Oversight - The NYPD's Use of Stop and Frisk and Other Investigative Encounters
NYC City Council hearing of the Committee on Public Safety
12/16/2024

Good morning. My name is Babe Howell. I am professor at CUNY School of Law, and a member of The Grassroots Advocates for Neighborhood Groups and Solutions – the GANGS Coalition. Our Coalition includes young people, parents, those who represent young people, those who work with them through community-based organizations, and organizations striving to protect their civil rights. We focus on the policing of our city's vulnerable children and young adults and the impacts this has on their safety, and the safety of their communities.

Thank you, Chair Salaam, and the Committee on Public Safety, for holding this hearing on the NYPD's use of Stop and Frisk and Other Investigative Encounters.

I. Gang Policing, Stop & Frisk, and Investigative Encounters

To begin, how does gang policing relate to stop and frisk?

First, gang policing is a cynical end-run around the historic ruling that the NYPD's misuse of stop-and-frisk violated both the 4th Amendment and Equal Protection. The NYPD announced Operation Crew Cut in response to the stop-and-frisk litigation, at a time that crime was at historic lows and gang crime nearly non-existent in NYC. Operation Crew Cut gave a new name to policing based on appearance and location.

The second connection, critical for today's hearing, is that once labeled as a gang member in the NYPD's gang database, young people are targeted for and vulnerable in stop-and-frisk and investigative encounters. If your child is stopped by the NYPD, the Domain Awareness System (DAS) will alert them that they are a gang member. There are no safeguards. An investigative stop is likely to be escalated when the police fear that someone is a gang member. This is why the issues related to stop-and-frisk and investigative encounters are so important to our coalition.

II. The NYPD's record on Stop-and-Frisk, Investigatory Encounters, and Accountability Lead to Grave Concerns that those Profiled on the Gang Database are suffering from unconstitutional and undocumented encounters in violation of the Equal Protection Clause

Over a decade ago, the court found that the NYPD's use of stop-and-frisk violated both the Fourth and Fourteenth Amendments. The NYPD made unlawful stops and frisks, unsupported by reasonable suspicion, and it targeted Black and Latino people in violation of the Equal Protection Clause.

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

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

- Reported stops are increasing substantially¹
- Self-initiated stops are increasing from 19% to 46% from 2020 - 2023²
- Unconstitutional stops are increasing³
- Unconstitutional frisks increased by over 50% from 2021 to 2022⁴
- Unconstitutional searches increased by almost 50% from 2021 to 2022⁵
- The NYPD is mis-characterizing stops as lower level investigatory encounters⁶
- The NYPD is not reporting nearly 1 of 3 stops⁷
- Neighborhood Safety Teams (NSTs) and Public Safety Teams (PSTs) and Housing are the biggest drivers of these trends
- The NST and PST account for 54% of all unconstitutional stops⁸
- Housing Bureau stops are less compliant than patrol stops⁹
- There is little review of and no repercussions for unconstitutional stops.¹⁰
- After a decade, the NYPD has *no compliance system whatsoever to address the Fourteenth Amendment, Equal Protection violations*¹¹

The NYPD's "reporting" of data of Investigatory Encounters as required by the How Many Stops Act shows the same disregard for accountability and oversight.¹² The NYPD failed to provide disaggregated data on investigative encounters. Moreover, with 6,491 Level 3 stops in a single quarter, the NYPD appears to be on track for an even higher number of stops in 2024 than in 2023.

As discussed below, people entered in the Gang Database are most likely to live in areas where the NST, PST, and Housing Bureau are conducting the highest numbers of unconstitutional stops, frisks, and searches, and the most undocumented investigative encounters. People labeled as gang members are likely to be the targets of "self-initiated" investigative encounters because the NYPD has labeled them as

¹ New York Police Department Monitor, *Twenty-First Report of the Independent Monitor: Monitor's Compliance Report*, 2 (Sep. 4, 2024), available at https://www.nypdmonitor.org/wp-content/uploads/2024/09/21st-Monitor-Report-General-Compliance-Report_Stamped.pdf

² Id. at 9.

³ Id. at 3.

⁴ Id.

⁵ Id.

⁶ Id. at 19

⁷ Id. at 4. Based on review of Body Worn Cameras (BWCs) 31.2% of stops are not reported. The absolute number of unreported stops is unknown because the BWC may not be activated.

⁸ Id at 3 -4.

⁹ Id. at 4.

¹⁰ James Yates, Report to the Court on Police Misconduct and Discipline (Sept. 19, 2024) available at <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>

¹¹ Id. at 6

¹² The Investigative Encounters Report is available at: <https://www.nyc.gov/site/nypd/stats/reports-analysis/investigative-encounters.page> (Although the NYC Administrative Code 14-146 and Local Law 43 of 2024 require demographic information relating to age, race, and gender, this data is supplied only for Level I investigatory Encounters.

gang members based on entirely non-criminal criteria (appearance, association, expression, and location). Police may also initiate stops to gather information to populate the gang database.

III. Gang Policing: A Post-Stop-and-Frisk Justification for Racial Profiling

As mentioned above, gang policing is an escalation of the racial profiling that led to the historic decision in *Floyd v. City of New York*. The NYPD first announced its commitment to “Operation Crew Cut” in October of 2012, the month after the courts certified the class in the *Floyd v. City of New York*, at a time when violent and juvenile crime were at historic lows.¹³

Why create, maintain, and expand gang databases in a city with little violent crime and less gang crime? Operation Crew Cut was announced the month after the class action was certified in the stop and frisk case, *Floyd v. City of New York*. Rather than conduct surveillance by stopping Black and Latinx men on the street in violation of the Fourth and Fourteenth Amendments, the NYPD expanded its investment in digital surveillance to collect information on people as young as 11 and 12.¹⁴ It also uses investigative encounters and street observations to populate the database. However, because there is no notice and no review of the database these tactics are largely insulated from public or judicial scrutiny.

The Gang Database targets neighborhood groups, entirely innocent behavior, and New Yorkers of Color

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

The database is populated entirely using non-criminal criteria. People are added to the gang database based on what they post on social media, what they wear, their friends and relatives, and where they live with no notice and no ability to challenge their inclusion.

The NYPD OIG's 2023 Report on the NYPD's Gang Database found that people could be added to the gang database for wishing friend "Happy Birthday" or using certain emojis. They found that gang locations included NYCHA properties, whole precincts, and people's home addresses.¹⁵

The resulting database is 99% Black and Latinx. 99%. The NYPD claim this is about precision policing, but it is only precise in how it profiles and targets only Black and Latinx youth. There are no white supremacists, no mafia, no Russian or Armenian gangs, no proud boys, almost no white people in the gang database.

¹³ For an analysis of crime and gang statistics when Operation Crew Cut was announced, see K Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 U. DENV. CRIM. L. REV. 1 (2015) available at <https://digitalcommons.du.edu/crimlawrev/vol5/iss1/2/>. Crime continues at historic lows to date. At the time of this writing, murder is 80.5% lower than it was 30 years ago, and the seven major crimes tracked individually in weekly Compstat Reports are down over 71%. Shooting victims and shooting incidents are down by 81.2 and 82.8% respectively. See NYPD Compstat Report Vol. 31 Number 49, covering the week ending 12/8/24.

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

¹⁴ NYC-DOI Office of the Inspector General for the NYPD (OIG-NYPD) *An Investigation into the NYPD's Criminal Group Database*, at 35 (April 2023)(hereinafter, the OIG Report).

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

¹⁵ See exhibit A for a list of the OIG's findings of deficiencies in documentation for various criteria for the gang database.

The Database is 99% People of Color

If the NYPD's stop and frisk practices before *Floyd* relied on racial profiling—and they did, with about 90 % of those stopped being Black or Latinx – the gang database is far worse. It is 99% Black and Latinx. Although white supremacist groups represent one of the greatest threats to our democracy,¹⁶ they are not included in the Criminal Group Database. No criminal activity or suspicion is required to be labeled a gang member. Allowing the police to simply collect information on anyone based on appearance, expression, association, and location reinforces racial privilege. Most teens and adolescents hang out in groups, talk alike, dress alike, listen to the same music, and sometimes make errors in judgment that reflect their youth and immaturity. By labeling some youth as gang members and treating their conduct as a threat to society, we subject young people to unequal treatment based on race.

Criteria for the Gang Database are Entirely Non-Criminal

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

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

Even with these broad criteria, the NYPD fails to adequately document individuals to the Gang Database. They also routinely violate the law by relying on sealed arrests, and they systematically deny FOIL requests from individuals seeking to learn if they have been included in the gang database. The Office of Inspector General's Report obscures the extent to which documentation is lacking but state that "numerous" entries lacked support.¹⁷

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

- Self-admission – information was insufficient including Emoji, a photo, or no information
- 2 Independent Sources – 7% had zero sources, 19% had one source
- Gang location – "a subset" had no location, a precinct, a NYCHA project, their home, or "known location" listed
- Documents – "in most instances" there was insufficient information citing "social media" or including no description of documents
- Known associates – "less than 1/3" had sufficient information with no one listed, or no connection provided
- Social media posts – on "a number of occasions" these were so vague they provided no basis for multilevel review
- Scars/tattoos – "in a majority of circumstances" these were not described
- Gangs/colors – "infrequently used" but generally sufficiently described
- Other – often double counts of social media: e.g. Facebook post, Emojis, Intel, "social media"

Additional Illegality

¹⁶ Homeland Threat Assessment, Dep't of Homeland Security, Oct. 2020 available at https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf.

¹⁷ See Exhibit A for deficiencies for each criteria and cites to the OIG Report.

The OIG also found the NYPD was illegally using sealed arrested, denied 98% of FOIL requests, and failed to follow its own rules and lacked documentation for many entries.¹⁸ They also found that files related to “deactivated” individuals would remain in the system but not appear in the Domain Awareness System (which communicates that status to all NYPD officers).¹⁹ There are no external safeguards or audits of the Criminal Group Database and internal protocols are not followed.

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

IV. Gang Database and Investigative Police Encounters

The intersection between the NYPD’s Criminal Group Database and the investigative stop, has two dimensions. First, people who are in the Criminal Group Database are targeted and subjected to more investigative encounters. They are frequently questioned, debriefed, asked to open their phones, taken to the precinct and released, and arrested on charges (like jay-walking, until recently) that are rarely used against most New Yorkers. The youth our various coalition members work with report being stopped and frisked repeatedly.

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

Every time a person in the Gang Database is subjected to an investigatory encounter (whether reported or, as in the case of the NST and PST stops, one of the 47% of stops that are not reported) the information that they are a member of gang is communicated to the officer. More often than not, the person stopped has no idea that they have been identified as a gang member.

Nonetheless, a person identified to Housing Bureau, NST or PST officers as a gang member is more likely to be subjected to investigative encounters and policing for minor infractions. Moreover, in any given investigatory interaction or stop of a person identified as a gang member, officers are more likely to escalate the level of the encounter, prolong the encounter, make a search, and use more force. In a report on stops by the LAPD’s gang unit officers, the Office of Inspector General found that these tended to be longer, more often unconstitutional, and were often followed by searches based on “consent” when body-worn cameras contradicted those claims.²⁰

While crime is at historic lows, investing in gang policing and prosecution actually creates public safety risks. Individuals who are labeled as gang members are more likely to go to jail and be exposed to violence and trauma and to be denied off-ramps like alternatives to incarceration or restorative justice. They are given long sentences. Jurisdictions that have invested in aggressive suppression of gangs, like

¹⁸ Id. at 31.

¹⁹ Id. at 30.

²⁰ Mark P. Smith, Inspector General, Review of Gang Enforcement Detail Stops, Feb. 5, 2019 available at http://www.lapdpolicecom.lacity.org/020519/BPC_19-0044.pdf .

LA and Chicago, have unwittingly invested in intractable multi-generational gang problems.²¹ NYPD's gang surveillance and suppression does not make this city safer. It almost certainly makes it less safe.

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

V. Harms are not limited to harassing encounters on the street – young people and immigrants face the greatest peril

The NYPD asserts that it does not "share the database" with anyone and it may literally be true that they do not provide direct access or share the entire database with other organizations.²² But the NYPD certainly shares gang allegations with prosecutors in both adult and family court where prosecutors deny young people diversion, off-ramps, insist on pre-trial detention, and resist removal of youth to family court. Prosecutors use social media posts provided by police to argue that lyrics, videos, dress, emojis, or other posts mean that a young person's case belongs in adult court, or a young person should be placed in jail.²³ The harm of pre-trial detention is not limited to the detained person or their family.

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

Nor are communities made safer by labeling individuals as gang members based on common and non-criminal criteria. The over-policing of young people can lead to over-criminalization, denial of off-ramps, and detention that can lead non-gang affiliated youth to join gangs and deepen ties of gang-affiliated youth. The GANGS Coalition cares about the safety of our young people and their communities, and negative police contact based on non-criminal conduct does not promote that safety – it undermines it.

VI. Recommendations

²¹ Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Strategies and the Need for Effective Public Safety Strategies*, A JUSTICE POLICY INSTITUTE REPORT (July 2007), available at https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-07_exs_gangwars_gc-ps-ac-jj.pdf

²² Criminal Group Database: Impact and Use Statement, p. 10 April 11, 2021. Available at https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/criminal-group-database-nypd-impact-and-use-policy_4.9.21_final.pdf

²³ In the Bronx 120 takedown, 120 defendants were indicted on RICO charges in an alleged gang takedown based on a collaboration between the NYPD, various federal law enforcement agencies, and the U.S. Attorney for the Southern District of New York. Over 100 defendants were denied any possibility of posting bail, though half were not in the gangs, and 80 had never had a felony conviction. Babe Howell & Priscilla Bustamante, *Report on the Bronx 120 Mass "Gang" Prosecution*, April 2019 available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3406106 and www.bronx120.report .

- Erase the Database – pass Intro. 798 and abolish the Criminal Group Database and prohibit any successor databases. Chicago and Portland have abolished their gang databases and crime trends continue unchanged after the gang database was eliminated.²⁴
- Evaluate Investigative Stops of individuals in the Criminal Group Database – even when Intro. 798 is passed, a backward look to root out unlawful investigative encounters and the escalation thereof, is warranted to provide redress to communities and individuals unjustly targeted, or excessively policed due to gang allegations.
- Instead invest in community alternatives: arts, sports, after school and job programs, health services, credible messenger programs, community gardens, affordable housing, and food assistance that reduce trauma and deprivation and truly safeguard our communities.

Thank you for the opportunity to testify on behalf of the GANGS Coalition and the vulnerable New Yorkers of color who are labeled, dehumanized, and othered by the Gang Database and relentlessly subjected to stops and investigative encounters whether recorded or unrecorded.

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

²⁴ Sandhya Kajeepeeta, *What Happens When You Erase a Gang Database*, Dec. 2024
<https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>

Exhibit A

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

The OIG’s report notes that, as of 2018, the officers were required “to provide more detailed narratives in their DD5s to support a nomination of an individual to be included in the CGD.” Nonetheless, “OIG-NYPD identified *numerous DD5s for approved entries* in which the narrative sections lacked sufficient detail, and simply requested that an individual be added to the CGD *with little, if any, stated basis.*”²⁵ OIG Report at 38 (emphasis added).

NYPD Gang Database Criteria

Option A (only need one)

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

Or

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

Option B (must have at least two)

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

Office of Inspector General finding for each criteria

	Criteria	# of 494	% of 494	# of 16,141 dec 2020	Description
A1	Self-admit/Social Media admit			10,326	“in a number of instances” – a single emoji or photo “for a range of entries” – there was no documentary evidence Conclusory, cursory, insufficient p. 43-44

²⁵ <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

	Self-admit/Debrief				Self-admissions in debrief were “generally memorialized” p. 43
A2	2 Independent Sources	136 10 (zero) 27 (one)	27.3% 7.4% 19.9%	4,985	27.3% of cases activated based on 2 sources, lacked 2 sources p. 45-46
B	Known CG location			6,402	“for a subset documentation was deficient” including no location, large precincts, NYCHA properties, the individuals’ home address, no information on “known location”
B	Group-related documents			1,664	“in most instances” group documents were social media content w/ insufficient description p. 47
B	Known Associates			7145	“less than a third” sufficient p. 48 Greater than 2/3 insufficient 67%, 80%,90%? “happy birthday” on the page of a gang member = Known associate
B	Social media posts			3,141	“a number of occasions” vague narrative provides no basis for multilevel review p.49
B	Scars & tattoos			566	“in the majority of circumstances” DD5s did not describe scars/tattoos or said “unknown” p. 50
B	Gang colors/signs			2,238	“generally” sufficient documentation But used “infrequently” p. 50
B	Other - “based on the sample reviewed the criterion was used “FB posts, Emojis”, CI Intel, Related			3,141	Double counted – B Social media and other social media posts p. 51

	language” social media”				
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Testimony of Andrew Case

Supervising Attorney, LatinoJustice PRLDEF

Public Safety Committee, December 16, 2024

Dear Chair Salaam and Members of the City Council,

My name is Andrew Case. I am supervising counsel at LatinoJustice.

The Plaintiffs' attorneys have distilled the Monitor's 503-page discipline report. I have hard copies of our five-page summary here and it is on our website.

In 2013, the Court ordered the NYPD to improve discipline for officers who break the law, writing that improvement "must include increased deference to credibility determinations by the CCRB."

But the Report shows that the NYPD still ignores CCRB recommendations.

For example, between them PO Dervant Williams and PO Ahsan Zafar have been the subject of twenty-three CCRB investigations; the agency has substantiated twelve allegations against them. Their misconduct has cost the City over \$650,000 in legal settlements. But a Deputy Commissioner for Trials recommended reducing the discipline CCRB recommended for a substantiated stop and frisk complaint they had "no disciplinary history."

The report details the career of a Deputy Inspector we have identified as William Taylor, who over the course of just two years was the subject of eleven CCRB investigations and four lawsuits. But he kept getting promoted, was never punished, and retired without ever receiving discipline.

While the Court ordered the NYPD to listen to the CCRB, Judge Yates wrote that instead the department's actions are "in clear defiance of the opinions in *Floyd*."

The Court would like you and your constituents to comment on what should be done to address the NYPD's failure to discipline and defiance of a court order.

You can do so through a link on our summary or on the website of the Monitor itself.

TESTIMONY

The New York City Council
Committee on Public Safety

Re: The NYPD's Use of Stop-and-Frisk and Other Investigative
Encounters.

Legal Defense Fund
40 Rector Street, 5th Floor
New York, NY 10006
December 16, 2024

New York City Council
Committee on Public Safety
December 16, 2024

Dear Chairperson Salaam and Councilmembers of the Public Safety Committee:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we thank the committee for this opportunity to provide testimony regarding the NYPD's ongoing use of unconstitutional stop and frisk practices under the guise of gang policing. We strongly urge the City Council to pass Intro 798 to abolish the NYPD's Criminal Group Database, which is commonly known as the gang database.

I. Introduction

Since its founding over eighty years ago, LDF has worked at the national, state, and local levels to pursue racial justice and eliminate structural barriers for the Black community in the areas of criminal justice, economic justice, education, and political participation. As part of that work, LDF has forged longstanding partnerships with local advocates, activists, and attorneys to challenge and reform unlawful and racially discriminatory policing in New York City. Most recently, LDF, along with the Legal Aid Society, have been representing a class of Black and Latino public housing residents and their guests in the federal lawsuit, *Davis v. City of New York*, which challenges the NYPD's trespass enforcement policies and practices in New York City public housing developments and joined the federal monitorship of the NYPD's stop-and-frisk policies and practices.

Even though the NYPD has had well over a decade to remedy its discriminatory practices, the court-ordered monitor has found, in recent years, that NYPD officers consistently fail to comply with reporting stops and supervisors fail to properly discipline officers who conduct unlawful stops.¹ Importantly, for purposes of this hearing, the NYPD continues to target Black and Brown New Yorkers under the guise of so-called "gang policing" through its use of a Criminal Group Database.

II. NYPD's Failures to Prevent Targeting of Black and Brown New Yorkers and to Discipline Officers for Unlawful Conduct.

Despite more than a decade of court oversight, stark racial disparities continue in the NYPD's enforcement practices. Black people are stopped by NYPD officers at nearly twice the rate of the average city resident.² Even though the NYPD decreased the total number of stops by

¹ Mylan Dernerstein, *Twenty-Second Report of the Independent Monitor: Underreporting of Terry Stops by the NYPD* (October 7, 2024) <https://www.nypdmonitor.org/wp-content/uploads/2024/10/2024.10.07-937-1-NYPD-Underreporting-of-Terry-Stops-Report.pdf>; James Yates, *Report to the Court on Police Misconduct and Discipline* (September 19, 2024) <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>.

² Alan Feuer, *Black New Yorkers Are Twice as Likely to Be Stopped by the Police, Data Shows*, N.Y. Times (Sep. 23, 2020), <https://www.nytimes.com/2020/09/23/nyregion/nypd-arrests-race.html>. The average rate is defined as the averaging of the rate of stoppage for white, Latinx, and Black residents.

over 90%, racial disparities persist for stops and frisks.³ For example, the NYPD's Neighborhood Safety Teams target Black and Latino people in 97% of their self-initiated encounters.⁴

NYPD officers have also consistently underreported their stops, preventing a full understanding of the actual scope and frequency of unlawful stops. NYPD officers are required to document each stop,⁵ a vital step in ensuring transparency and accountability for law enforcement actions.⁶ Yet, the federal monitor recently found that the NYPD consistently underreported stops from 2022 to 2023.⁷ In reviewing Body-Worn Camera footage, the monitoring team found that, in 2022, only 69% of stops were correctly reported, and in 2023 that rate decreased to 59%.⁸ This is particularly problematic because the legality of the stop cannot be determined without a completed *Terry* stop report explaining the officer's justification for it.

The NYPD's racially disparate conduct extends beyond initial stops. A 2017 analysis of over 500,000 NYPD stops showed that Black and Latino people were more likely to be frisked and subjected to officer use of force during stops.⁹ The NYPD's disparate enforcement practices are also reflected in more complaints filed by Black and Latino people for officer misconduct. In a database of over 300,000 Civilian Complaint Review Board ("CCRB") complaints against NYPD officers, roughly 80% are filed by Black or Latino people.¹⁰ Some specialized units of the NYPD have even higher rates of racial disparities. For example, 91% of complaints against Strategic Response Group officers were filed by people of color.¹¹

The NYPD's failure to discipline officers for their unlawful conduct likely contributes to these racial disparities. A recent report by the federal monitor found that the NYPD systematically refuses to discipline officers who conduct illegal stops and frisks.¹² In fact, officers in the vast majority of internal disciplinary cases involving an allegation of an illegal stop, question, frisk or search were given reduced penalties or no discipline. Between 2017 and 2019, only 10% of officers were penalized with "penalty days" after the CCRB substantiated complaints of illegal stops, frisks, or searches; 51% of officers against whom CCRB had substantiated a claim received only instructions or training, and the remaining 39% of

³ Mylan Dernerstein, *Twentieth Report of the Independent Monitor: Racial Disparities in NYPD Stop, Question, and Frisk Practices: An Analysis of 2013 to 2022 Stop Reports* (April 11, 2024) <https://www.nypdmonitor.org/wp-content/uploads/2024/04/2024.04.11-927-1-Twentieth-Report.pdf>.

⁴ Mylan Dernerstein, *Nineteenth Report of the Independent Monitor: Monitor's Audit of the Neighborhood Safety Teams* (June 5, 2023) <https://www.nypdmonitor.org/wp-content/uploads/2023/06/NST-Report.pdf>.

⁵ *Floyd v. City of New York*, 959 F. Supp. 2d 668, 681–83 (S.D.N.Y. 2013) (Floyd Remedial Order).

⁶ See, Mylan Dernerstein, *Twenty-Second Report of the Independent Monitor: Underreporting of Terry Stops by the NYPD* (October 7, 2024) <https://www.nypdmonitor.org/wp-content/uploads/2024/10/2024.10.07-937-1-NYPD-Underreporting-of-Terry-Stops-Report.pdf>.

⁷ *Id.*

⁸ *Id.* at 1-2.

⁹ Philip Levchak, *Do Precinct Characteristics Influence Stop-and-Frisk in New York City? A Multi-Level Analysis of Post-Stop Outcomes*. 34 *Just Q* 377–406 (2017) <https://www.tandfonline.com/doi/abs/10.1080/07418825.2016.1162320>.

¹⁰ *NYPD Misconduct Complaint Database*, NYCLU [July 22, 2020], <https://www.nyclu.org/data/nypd-misconduct-database>.

¹¹ Isabella Leyva and Caroline Waring, *Why We Must Disband Protest-Busting NYPD Unit*, NYCLU (September 24, 2021) <https://www.nyclu.org/commentary/why-we-must-disband-protest-busting-nypd-unit>.

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

substantiated cases were disposed of without penalty.¹³ Officers who repeatedly made unlawful stops, frisks, or searches were required to receive the same training even after repeated violations.¹⁴ Likewise, supervisors who failed to monitor or compel their officers to comply with legal requirements faced “close to non-existent discipline.”¹⁵ This failure to discipline officers and their supervisors for unlawful conduct sends a message that the NYPD does not prioritize protecting the rights of New Yorkers, even when officers violate those rights repeatedly. This also allows officers to continue using policing practices that disproportionately target Black and Brown New Yorkers.

III. Stop-and-Frisk 2.0 Through the NYPD’s Criminal Group Database

The same people targeted through NYPD’s unconstitutional —stop-and-frisk practices— Black and Latino New Yorkers—are also subjected in NYPD’s racially biased gang policing practices. The Criminal Group Database labels more than 16,000 NYC residents as members of so-called “street gangs” and youth “crews.” Although 29.2% of people in New York City are Latino and 22% are Black, a shocking 99% of people in the NYPD gang database are Black and/or Latino. Less than one percent of people in the database are white. Half of the people in the database are under the age of 23, and ten percent are minors. Children as young as 11 years old have been added to the gang database.

Justified as “precision policing,” the NYPD has subjected the people in this database – primarily Black and Latino teenagers and young adults – to sustained surveillance and harassment. Thus, the gang database has become a mechanism for continuing unconstitutional stop-and-frisk practices using race as a proxy for crime. Black and Latino youth previously subjected to the degradation of unlawful stops and frisks are now stigmatized as dangerous gang members.

Entry into the gang database is not tied to criminal activity. Instead, the NYPD uses broad, vague, and subjective criteria, such as the colors that a person wears or their use of undefined “symbols” on social media, to label them gang members.¹⁶ Under these criteria, many New Yorkers who have never committed a crime could be entered into the database. The NYPD has classified entire public housing developments as “gang locations,” enabling them to label people who live there as gang members.¹⁷ A simple post of “Happy Birthday” on the Facebook

¹³ The term “penalty days” refers to the forfeiture of vacation days and/or the imposition of suspension without pay for a specified time period. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct, along with any relevant aggravating and mitigating factors. N.Y.P.D., *New York City Police Department: Disciplinary System Penalty Guidelines* 15 [Sept. 2024], https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd_disciplinary_system_penalty_guidelines_effective_09-09-2024.pdf. 51% of officers against whom CCRB had substantiated a claim received instructions or training, without penalty, and the remaining 39% of substantiated cases were disposed of or diverted in other ways without penalty. *id* at 60.

¹⁴ *Id.* At 3.

¹⁵ *Id.* At 5.

¹⁶ *DOI’s Office Of The Inspector General For The NYPD Issues Report Examining NYPD’s Use And Operation Of The Criminal Group Database*, Department of Investigation (April 18, 2023) <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

¹⁷ *Id.* at 46.

page of someone already in the database can be enough to designate the person making that post as an associate of a “known criminal group member.”¹⁸

The database has operated without public scrutiny or notice to the people who are most directly impacted by it.¹⁹ The only information that the NYPD shares about its operation of the gang database is the bare minimum, if that, of what is required to be public under the Public Oversight of Surveillance Technology (POST) Act.²⁰ As a consequence, much of how the database operates is insulated from public oversight and scrutiny, making it nearly impossible to ensure the NYPD is held accountable for its use of the database.²¹

IV. Ineffectiveness of Gang Databases on Public Safety

The NYPD has claimed that its gang database is an effective tool for combating crime, but data does not support this contention. LDF’s Thurgood Marshall Institute (TMI) recently conducted research, showing an absence of increased crime after Portland and Chicago eliminated their gang databases.²² These findings suggest that gang databases do not reduce crime or improve public safety, and underscore why New York City must eliminate its own gang database.

In September 2017, the Portland Police Bureau announced it would purge and shut down its gang database and end the practice of designating people as gang members, effective October 15, 2017.²³ TMI analyzed daily crime data from October 15, 2016 (one year prior to eliminating the database) through October 15, 2018 (one year after).²⁴ Had the database been an effective or necessary crime prevention tool, the data would show an increase in crime trends after elimination of the gang database. Instead, this analysis showed that eliminating the Portland gang database was not associated with any statistically significant changes in the rate of total crimes, violent crimes, or property crimes.²⁵

¹⁸ *Id.* at 48.

¹⁹ NYPD has recently updated its policy to notify families if youth under the age of 18 are placed in the database. See, *Criminal Group Database: Impact and Use Policy*, NYPD (October 13, 2023) https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/criminal-group-database-nypd-impact-and-use-policy-addendum_10.13.23.pdf.

²⁰ For example, the OIG report noted that the NYPD’s Impact and Use Policy is “information sharing with entities outside of NYPD, and does not make clear the process for inclusion in the CGD” and “does not identify by name the external agencies with access to CGD data or with whom data sharing might occur”, nor does it “clarify the amount and nature of the evidence required to conclude that an individual satisfies the criteria for entry into the CGD.” *id.* at 15.

²¹ See generally, DOI’s Office Of The Inspector General For The NYPD Issues Report Examining NYPD’s Use And Operation Of The Criminal Group Database, Department of Investigation (April 18, 2023) <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

²² See, Sandhya Kajeepeta, *What Happens when you erase a gang database?* LDF (December 13, 2024) <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>.

²³ See, Maxine Vernstein, *Portland Police to Halt, Purge All Gang Designations*, Oregon Live (September 8, 2017) https://www.oregonlive.com/portland/2017/09/portland_police_to_halt_purge.html.

²⁴ See, *Monthly Portland Neighborhood Offense Statistics*, Tableau Public, https://public.tableau.com/app/profile/portlandpolicebureau/viz/New_Monthly_Neighborhood/MonthlyOffenseTotals.

²⁵ See, Sandhya Kajeepeta, *What Happens when you erase a gang database?*, LDF (December 13, 2024) <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>.

Similarly, on September 7, 2023, the Chicago Community Commission on Public Safety and Accountability voted unanimously to abolish Chicago's gang database.²⁶ TMI analyzed daily crime data from September 7, 2022 (one year prior to the elimination of the database) through September 7, 2024 (one year after) to see if the database had any statistically significant impact on the rate of crime.²⁷ Like Portland, there was no evidence that eliminating the Chicago gang database was associated with an increase in total crimes, violent crimes, or property crimes.²⁸

Given how other major cities have eliminated their gang databases without statistically significant increase in crime, it is unlikely that New York City's gang database is the crime-fighting tool that law enforcement portends it to be.

V. Conclusion

A decade has passed since a federal court found that NYPD's stop-and-frisk policy violated the constitutional rights of countless New Yorkers. Today, the NYPD's reported enforcement activity continues to disproportionately impact Black and Brown New Yorkers, even while officers fail to report over 30% of stop, and the agency fails to discipline officers for their unlawful actions. Moreover, the NYPD continues to target people of color through the use of a vague and subjective database that labels individuals as gang members. LDF strongly urges City Council to pass Intro 798 to abolish the gang database and prevent the use of another tool that unlawfully preys on Black and Brown New Yorkers.

Respectfully submitted,

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²⁶ See, Heather Cherone, Nick Blumberg, *Police Oversight Board Votes to Permanently Scrap New Chicago Gang Database*, WTTW (September 7, 2023) <https://news.wttw.com/2023/09/07/police-oversight-board-votes-permanently-scrap-new-chicago-gang-database>.

²⁷ See, *Crimes 2001-Present*, Chicago Data Portal, <https://data.cityofchicago.org/Public-Safety/Crimes-2001-to-Present/ijzp-q8t2/data>.

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

**Testimony of Michael Sisitzky
On Behalf of the New York Civil Liberties Union
Before the New York City Council Committee on Public Safety
Regarding the New York Police Department’s Use of Stop-and-Frisk
and Other Investigative Encounters**

December 16, 2024

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony regarding of the New York Police Department’s (NYPD’s) use of stop-and-frisk and other investigative encounters. The NYCLU, the New York affiliate of the American Civil Liberties, is a not-for-profit, non-partisan organization with eight offices throughout the state and more than 180,000 members and supporters. The NYCLU’s mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution.

Defending New Yorkers’ right to be free from discriminatory and abusive policing is a core component of the NYCLU’s mission. Protecting this right requires robust systems for oversight of police practices, including ensuring that the public has access to critically important data on the full scope of police investigative and enforcement activity and the impact of that activity on communities throughout the city. This starts – but by no means ends – with the collection and analysis of data on police-civilian interactions.

Introduction

While stop-and-frisk data has been reported and analyzed for some time, reporting on level 1 and 2 investigative encounters was only mandated via passage – over the mayor’s veto – of the How Many Stops Act, which required the NYPD to begin documenting these encounters on July 1, 2024. The importance of such data can be understood when one looks at how stop-and-frisk data was used – namely, to expose and challenge discriminatory and abusive policing.

The NYCLU has long been involved in advocacy to shine a light on the NYPD’s use of stop-and-frisk and to challenge its discriminatory application in the courts and in the legislature. In 2001, the City Council passed a law requiring the NYPD to provide the Council with detailed reports on stop-and-frisk activity, but in 2006, the NYCLU learned that the NYPD had been failing to comply with that measure. After substantial public pressure and legal challenges, the NYPD started releasing the data.

From the time that the NYPD began releasing the data, the NYCLU began our own regular analysis of it, understanding that data plays a key role in police oversight. The stop-and-frisk data was shocking: It revealed that hundreds of thousands of people – overwhelming Black and Latinx men – were being stopped each year, many of them repeatedly, and the vast majority were never



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charged with any criminal wrongdoing. It became clear that the NYPD was engaging in a vast program of racial profiling.

The NYPD's stop-and-frisk data gave rise to legislative responses and was critical in framing legal challenges. For example, it prompted the City Council to pass the Community Safety Act to enhance and give teeth to a ban on bias-based profiling and, later, the Right to Know Act to increase transparency and accountability during many of the most common police-civilian encounters. The data also played a major role in lawsuits challenging the NYPD's targeting of Black and brown communities, culminating in a federal judge finding the NYPD's stop-and-frisk practices unconstitutional in *Floyd v. City of New York*.

Today, while stop-and-frisk levels are far below the height they reached under the Bloomberg era, there have been stark and disturbing increases in recent years. And the core concern – that these stops overwhelmingly target Black and brown New Yorkers at rates that are wildly disproportionate to their population – remains largely unresolved, with racial disparities still deeply embedded at levels as high as they've ever been.

Below, we offer some initial analysis with respect to the recently released How Many Stops Act data and note areas of continued concern as they relate to the NYPD's use of investigate encounters, the resurgence of stop-and-frisk and broken windows enforcement in recent years, and the Department's ongoing failures to prioritize meaningful accountability for officers who engage in misconduct, including with respect to unconstitutional stops.

The How Many Stops Act Reveals Racial Disparities at All Levels of NYPD Investigative Encounters

One year ago, the City Council passed – and, one month later, overrode the mayor's veto of – the How Many Stops Act. Despite the administration's hyperbolic response to the legislation and their blatant misrepresentations as they sought to prevent the veto override, the How Many Stops Act was always a simple and straightforward transparency measure, requiring the NYPD to document and report on all investigative encounters under New York's long-established *DeBour* framework. And importantly, the How Many Stops Act was the fulfillment of a longstanding demand from the communities most impacted by the NYPD's discriminatory stop-and-frisk practices, who consistently named the documenting of and reporting on level 1 and 2 encounters as a policy they wanted to see implemented during the Joint Remedial Process arising from the stop-and-frisk litigation. This demand was endorsed in the final report of the court-appointed facilitator of that process.¹

¹ Hon. Ariel E. Belen (Ret.), New York City Joint Remedial Process on NYPD's Stop, Question, and Frisk, and Trespass Enforcement Policies: Final Report and Recommendations, pp. 230-36 (2018), <https://ccrjustice.org/sites/default/files/attach/2019/12/Joint-Remedial-Process-Final-Report.pdf>.



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We now have the first quarter’s worth of data from the How Many Stops Act, covering the period from July 1, 2024, through September 30, 2024. While we obviously are limited in drawing any major conclusions or identifying trends in reviewing data that has no prior baseline, we can make observations about what this data shows and suggest areas for further Council oversight.

The NYPD reported a total of 551,455 level 1 encounters during the quarter. Of these, 68% involved Black and Latinx people, with only 17% of those approached at level 1 being white. Racial disparities were even more stark for level 2 encounters, with Black and Latinx people accounting for 86% of the 4,252 reported level 2 encounters, compared to just 5% for white people. While disparities were clearly more pronounced at level 2 – and indeed, mirror those observed at level 3 – there are still clear disparities at level 1. We now have data showing that people of color are overwhelmingly subject to police investigative encounters across all levels of encounters.

The NYPD reported on various categories of level 1 and encounters without clear descriptions for what is included within them. For example, the data shows that 69% of level 1 encounters involved an interaction with a victim or witness, 9% were listed as “QOL” for “quality of life” without an explanation as to what this encompasses, 4% were described as “proximity to scene,” and a further 14% were listed as “other,” the second largest grouping. Given the volume of encounters that the “other” category encompasses (78,726 encounters citywide), it is worth interrogating how this classification is made and whether additional categories of level 1 encounters merit being separated out from this vague grouping.

As for level 2 encounters, while the justifications provided are more closely tied to criminal enforcement, with 51% of encounters being justified as investigating criminal possession of a weapon,² the next largest category at 23% is listed as “other.” With nearly one-quarter of level 2 encounters being categorized as “other,” this again raises questions about how officers are recording information at these encounters and whether more detailed and specific groupings might be possible.

In terms of enforcement activity, a slightly higher number of level 1 encounters led to an arrest as opposed to the issuance of a summons (6,964 arrests versus 4,833 summonses). One precinct, the 46th Precinct in the Bronx, was an eyebrow-raising outlier. The 46th Precinct reported a total of 7,380 level 1 encounters, and the issuance of 1,324 summonses in connection with these encounters, meaning that officers in that precinct issued a summons in 18% of encounters that began as level 1, and that the precinct accounted for 27% of all such summonses issued in the city during the reporting period. These figures beg for closer scrutiny and oversight, and the NYPD must be able to explain the reason why this one precinct, in particular, is driving so much enforcement.

² It is impossible to tell from the data, as presented, how many of these encounters actually led to the recovery of a weapon or to a summons or arrest.

Limited data is also provided with respect to the number of encounters that began at one level but escalated to another. The NYPD reports that 22% of level 2 encounters began at level 1. For level 3 stops, 7% began at level 1, while 16% started at level 2.

Incident-Level Data is Needed to Better Analyze the Disparities Evident in Level 1 and Level 2 Encounters

One stark limitation of the data, as presented, is that it does not allow for cross-tabulation between the various categories of information that have been broken down at the precinct level. We know, for example, how many Black people were subject to level 1 encounters in a given precinct, how many level 1 encounters in that precinct were officer-initiated, and how many were categorized as responding to a quality of life concern, but we have no way to link them and analyze how those factors overlap (that is, we are unable to determine how many Black people were subject to an officer-initiated level 1 encounter because of a quality of life concern).

This presents a challenge for community members and lawmakers looking to glean a deeper understanding of the impacts of police activities, and it shifts the burden to members of the public to jump through additional hoops in order to obtain and analyze the relevant data. The NYCLU regularly submits Freedom of Information Law (FOIL) requests for underlying datasets, complete with incident-level data, related to NYPD stop-and-frisk and vehicle encounter reports, seeking to engage in a more comprehensive analysis of these stops. While this is a process that legal organizations such as ours are accustomed to, it is time consuming, complicated for the general public, and can often involve lengthy delays due to the NYPD's long-standing reputation for slow response times and the frequent need to pursue administrative appeals or even litigation to compel disclosure.

The complete data is essential for examining the degree to which the disparities that are evident in the dataset reflect biased or otherwise unlawful policing. If, for example, the quality of life encounters at level 1 reflect racial disparities at higher rates than other categories of encounters, it may suggest that racial bias is a factor within that category. Similarly, being able to tie use of force instances or the issuance of summonses to the underlying categories of encounters from which they arose can be useful for better understanding the circumstances that give rise to those actions and help policymakers better assess whether such actions are justified or in need of reform.

It is inevitable that the NYPD will – perhaps someday soon – receive a FOIL request for the incident-level data used to generate its reporting under the How Many Stops Act. The question for the administration and the NYPD is whether to be reactive and delay the eventual release of such data or whether to choose a proactive approach and an embrace of the transparency that the Department purports to advocate. We urge the NYPD to make incident-level information on the encounters required to be documented by the How Many Stops available to the public, whether through its quarterly reports or through publication to



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the City’s open data portal, and we encourage the City Council to pursue this data via its oversight of the Department.

The Recent Resurgence in Stop Activity and Broken Windows Policing Raises Serious Concerns about Constitutional Policing

Beyond the newly available data on level 1 and 2 encounters, we continue to receive – and be troubled by – data that demonstrates an increase in the use of level 3 reasonable suspicion stops under this administration and racial disparities that are as bad as they have ever been – with 86% of those stopped during Q3 of 2024 being Black and Latinx. After years of level 3 stops decreasing following the historic organizing and litigation against its racially-biased deployment, the tactic has been alarmingly reembraced under the Adams administration. Last year, the NYPD recorded its highest number of stops since 2015.

A core component of policing under the Adams administration has also been a full-throated embrace of broken windows policing, including an expanded use of criminal summonses and arrests for low-level offenses. The Adams administration reversed a yearslong trend of declining criminal summons numbers, with officers increasing their issuance beginning shortly after the mayor took office in early 2022.³ Much of this enforcement appears to directly undermine past City Council efforts to explicitly decrease reliance on the criminal legal system for so-called “quality of life” issues, with criminal enforcement on the rise for offenses that the Council tagged as more appropriate for civil enforcement with its landmark Criminal Justice Reform Act in 2016.⁴

This has been coupled with a return of dedicated anti-crime units, twice previously disbanded because of unacceptably high rates of excessive force and racially disparate enforcement, under the guise of “Neighborhood Safety Teams” (NSTs). Both of these developments are concerning for reasons the NYCLU has been pointing out all along: they are ineffective at improving public safety and serve only to exacerbate racially disparate policing and the overcriminalization of communities when more targeted and less-punitive alternative interventions should be prioritized.

The NSTs, as many advocates predicted, have proven particularly deserving of scrutiny. Although they were billed as specialized anti-gun teams, it was not long before data showed that they were largely focusing on low-level

³ Ryan Schwach, *Summonses Skyrocket Under Adams Administration, Report Finds*, Queens Daily Eagle, Apr. 9, 2024, <https://queenseagle.com/all/2024/4/9/2n7ddqxnfhw3spvgm313nbbbw0ror0>.

⁴ Suhail Bhat, *NYPD Quality-of-Life Crackdown Sends Thousands to Criminal Court, Undoing Landmark Reforms*, The City, Sept. 12, 2023, <https://www.thecity.nyc/2023/09/12/nypd-quality-of-life-crackdown-enforcement-skyrockets-criminal-court/>.



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enforcement.⁵ And a report from the federal monitor that looked specifically at the activities of NSTs found that a much higher percentage of NST stops lacked constitutional justification as compared with the Department as a whole, with nearly a quarter of the NST stops reviewed by the monitor being deemed unconstitutional.⁶

In sum, the enforcement priorities of the NYPD in recent years have threatened to undermine years of progress in driving down the rate at which New Yorkers are subjected to needless and racially-biased police interactions and contacts with the criminal legal system. It is imperative that the Council continue to explore avenues for investing in alternative approaches to delivering real community safety that are not reliant on discredited and counterproductive policing tactics.

The NYPD Continues to Fail to Prioritize Discipline and Accountability for Misconduct and Constitutional Violations

As the recent report from the Federal Monitor makes clear, the NYPD's disciplinary practices do little to deter or punish officers who engage in unconstitutional stops. The report goes into detail on the problems arising from a lack of transparency as to the operations of the Department's disciplinary system, as well as the challenges of holding officers accountable when so much discretion is given to the Department as to whether officers should face any punishment at all for misconduct, even when allegations are substantiated and discipline is recommended.⁷

Indeed, and as we have long said, the NYPD lacks a culture of accountability and too often fails to hold officers to the standards they purport to follow. Take, for example, the NYPD's recent revision to its disciplinary matrix in September, which lowered the penalty ranges for various categories of misconduct during interactions with the public.⁸ This weakening of an already discretionary set of guidelines came despite the fact that the number of New Yorkers alleging NYPD misconduct has been on the rise. Complaints of police misconduct filed with the Civilian Complaint Review Board (CCRB) began trending upward in 2022 and surged in 2023, reaching their highest level since

⁵ Sara Dorn, *NYPD's Neighborhood Safety Teams are Mostly Making Low-Level Arrests, Data Shows*, City & State New York, Apr. 8, 2022, <https://www.cityandstateny.com/politics/2022/04/nypds-neighborhood-safety-teams-are-mostly-making-low-level-arrests-data-show/365450/>.

⁶ Mylan Denerstein, *Nineteenth Report of the Independent Monitor: Monitor's Audit of the Neighborhood Safety Teams (2023)*, <https://www.nypdmonitor.org/wp-content/uploads/2023/06/NST-Report.pdf>.

⁷ James Yates, *Report to the Court on Police Misconduct and Discipline (2024)*, <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>.

⁸ Reuven Blau, *Caban Watered Down NYPD Misconduct Rules as Final Act*, The City, Sept. 13, 2024, <https://www.thecity.nyc/2024/09/13/caban-watered-down-nypd-punishments-as-final-act/>.



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2015.⁹ From the latest CCRB statistical report, the agency reports having received 5,310 complaints through the end of November 2024, continuing this trend.¹⁰

Meanwhile, the Adams administration has made it more difficult for the CCRB to keep up with the pace of complaints. Cuts to the CCRB's budget forced the agency to suspend the investigation of eight categories of misconduct complaints, including officers improperly removing someone to a hospital, seizing property, refusing to identify themselves by name and badge number, and making untruthful statements.¹¹ Though these cuts were eventually reversed, the fact that the agency tasked with pursuing accountability on behalf of New Yorkers who experience abuse or other mistreatment at the hands of the police was prevented from meeting the full scope of its mandate is deeply troubling and paints a picture of an administration that does not view police accountability as a priority.

That stance is nothing new for the NYPD, who have a long history of ignoring and even overriding CCRB disciplinary recommendations going back multiple administrations.¹² It speaks to problems that we have long documented with a system that gives unfettered discretion to the police commissioner and that – even with the repeal of 50-a – operates with too little transparency and oversight.

And given how closely stop-and-frisk practices have been scrutinized over the more than a decade since the 2013 ruling finding the NYPD's use of the tactic unconstitutional, the fact that stop-and-frisk related misconduct still results in little meaningful consequence reveals a clear limitation of the NYPD disciplinary system's ability to vindicate New Yorker's basic constitutional protections.

Conclusion

The NYCLU and our partners have been warning for years against the reembrace of stop-and-frisk and broken windows policing. These so-called tools for fighting crime and improving public safety have been long been discredited;

⁹ Michael Sisitzky & Simon McCormack, *Complaints of NYPD Abuse are Way Up Under Mayor Adams*, NYCLU, Feb. 9, 2024, <https://www.nyclu.org/commentary/complaints-nypd-abuse-are-way-under-mayor-adams>.

¹⁰ Civilian Complaint Review Board, Executive Director's Monthly Report: December 2024 (Statistics for November 2024), p. 4, https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/monthly_stats/2024/12112024-monthlystats.pdf.

¹¹ Joe Anuta, *New York Police Oversight Body Warns of Curtailed Operations in Face of Budget Cuts*, Politico, Dec. 13, 2023, <https://www.politico.com/news/2023/12/13/new-york-police-oversight-body-warns-of-curtailed-operations-in-face-of-budget-cuts-00131644>.

¹² NYCLU, *Cop Out: Analyzing 20 Years of Records Proving NYPD Impunity* (2021), <https://www.nyclu.org/uploads/2021/12/nyclu-2021-ccrbdata-report.pdf>.



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instead, these tactics subject communities to unduly harsh criminal penalties and all the collateral consequences that arise from contact with the criminal legal system, deepen racial disparities, and do nothing to address the underlying issues that give rise to quality-of-life concerns in communities throughout the city.

We reiterate what we have offered in testimony many times before to this body: The most effective ways of addressing crime and improving real community safety for New Yorkers is to invest in the kinds social-, economic-, and health-based supports that meet the basic needs of communities and address the roots of the challenges they face, rather than subjecting them to dubious stops or saddling them with criminal fines. This requires a shift in approach from the NYPD and the administration, as well as the political will in the Council to take on tough fights with respect to the city's budget.

The Council should also consider additional measures to further increase transparency and oversight of the NYPD's approach to discipline, including comprehensive requirements for the NYPD to better report on its handling and disposition of misconduct complaints, while pursuing further oversight of and requesting more detailed information regarding the data points we noted above with respect to investigative encounters.

We thank the Council for the opportunity to provide testimony on this important issue.



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**PARENTS
SUPPORTING
PARENTS**
NEW YORK

Good Afternoon Chair Salaam & Public Safety City Council committee members Thank you for this hearing. My name is Tanesha Grant and I am the executive director Of Parents Supporting Parents NY& Moms United For Black Lives NYC. I am also a member of the Davis Round table on NYCHA Policing and have been for more than 2 years. I live and serve the community of Washington Heights and Harlem.

Our reality is that stop & frisk wears has weighed heavy on our communities for generations. This unlawful practice has been used & continues to be used to unlawfully search and lock up our loved ones. In recent years the racist practice of stop & frisk has returned during the covid 19 crisis. We know the communities that are under resourced are subject to more criminal tracking. We the people fund these violent actions through our taxes. We want our tax dollars to go to more social support like real quality affordable housing, culturally relevant health care and mental health care. We want more real opportunities for our children, youth, families and elders. We know all the ways Stop & Frisk violates community members lawful rights. Our recommendations are as follows. Stop over funding the NYPD and give our communities the resources we need to thrive. A mass amount of money is focused on criminalization of Black & Brown communities. We know that because the gang data base is 99 percent Black and Brown people. Instead of productive and fully funded programs and opportunities we are again and again attacked and told that our personal lived experience with police does not count. I myself have been unlawfully frisked in the street trying to visit a friend, 'she lived in a building the police deemed a drug spot. They pulled on my bra and made me take my shoes off to search me in the street, because I went into her building. When I protested and asked for their badge numbers they took me to Jail.

The gang database is a direct attack on our Black and brown sons, and daughters which affects our whole families. The gang data based should be destroyed immediately like they have done in Chicago. All stop & frisk actions by police/ should be a violation and punishment should be the officer gets fired. Our Citizens are worth just as much as police officers. We also still believe in a community board with community members who can study police violations and reprimand

officers accordingly to address the Racial Bias and disgusting practices of NYPD and this mayors administration. Thank you for listening to my testimony. I hope it yields positive results for our community members.

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New York City Council
Public Safety Committee
December 16, 2024

Written Testimony of Gina Mitchell, Attorney-in-Charge of Law
Reform and Policy, Queens Defenders

Thank you, Chairperson Salaam, and members of the New York City Council Public Safety Committee, for the opportunity to submit testimony regarding the oversight of the *New York Police Department's ('NYPD') Use of Stop and Frisk and Other Investigative Encounters (T2024-2707)*.

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

Queens Defenders represents communities across the borough including those in Far Rockaway and South Jamaica. NYCLU report that for the period 2003-



2023 South Jamaica, which is covered by the 103rd precinct, saw 1386 stops per 1000 residents with a total of 146,610 reported stops. During the same period in Far Rockaway, which is covered by the 101st precinct, there were 1332 stops per 1,000 residents with 89,350 total stops. These were amongst some of the highest stop rates in the city for that period¹.

Stop-and-frisk practices continue to be used to profile-police Black and Latinx members of our community disparately and it is time for transparency, oversight, and accountability. On September 19, 2024, Mr. James Yates submitted a comprehensive ‘Report to the Court on Police Misconduct and Discipline,’² highlighting that unlawful stop-and-frisk practices are on the rise again and there remains dismal accountability for police misuse of their powers. On October 7, 2024, the Court Appointed Independent Monitor released the latest report showing that the NYPD is failing to comply with their required documentation of *Terry* stops.³ This was ordered in *Floyd v. City of New York* (2013).⁴

¹ New York Civil Liberties Union, “A Closer Look at Stop and Frisk in NYC” December 12, 2022 < [A Closer Look at Stop-and-Frisk in NYC - NYCLU](#) >(accessed 12/16/2024).

² James Yates, Report to the Court on Police Misconduct and Discipline, September 19, 2024 < <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf> >(accessed 12/12/24) (‘Yates Report’).

³ Twenty-Second Report of the Independent Monitor, Mylan Denerstein, “Underreporting of *Terry* stops by the NYPD.” October 7, 2024. < <https://www.nypdmonitor.org/wp-content/uploads/2024/10/2024.10.07-937-1-NYPD-Underreporting-of-Terry-Stops-Report.pdf> > (accessed 10/18/2024). (‘Twenty-Second Report of the Independent Monitor’).

⁴ See, *Floyd v. City of New York*, 959 F. Supp 2d 540, 562 (S.D.N.Y. 2013) (*Floyd* Liability Opinion); *Floyd v. City of New York*, 959 F. Supp. 2d 668, 681-83 (S.D.N.Y 2013) (*Floyd* Remedial Order).



Queens Defenders condemns the NYPD for their flagrant disregard of the *Floyd* court order and joins the call for their complete compliance moving forward. We thank the New York City Council Committee on Public Safety for holding this oversight hearing regarding the NYPD’s use of stop-and-frisk practices and other investigative tactics. This discourse is important in ensuring that our community is safe for everyone; and that all New Yorkers have their individual rights protected.

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

A) Queens Defenders condemns the NYPD for their continued misuse of stop and frisk practices

Black and Latinx members of our community are over-surveilled, over-policed, and as a result over-represented in the criminal legal system. Stop-and-frisk practices are implemented by the NYPD disparately. In 2023, only 6% of all stops were white. 59% of stops were Black, and 30% were Latinx.⁵ Stop-and-frisks were at an all-time high under the Bloomberg Administration.

⁵ New York Civil Liberties Union, Stop and Frisk Data < <https://www.nyclu.org/data/stop-and-frisk-data> > (accessed 12/11/24).



However, recent stop-and-frisk data shows us that these racially motivated stops are once again on the rise under the Adams Administration.⁶ This is extreme cause for concern, as was submitted by Judge Yates in a report regarding the NYPD’s stop-and-frisk practices and (lack of) accountability and discipline for police misconduct.⁷

In 2012, a federal class action in *Davis v. City of New York*, was brought challenging the NYPD’s stop and frisk practices in New York City Housing Authority (‘NYCHA’).⁸ In 2013, in *Floyd v. City of New York*, the Center for Constitutional Rights challenged street stops more generally, resulting in a federal court appointing an independent monitor to oversee how the NYPD are conducting civilian stops and other investigative encounters through court ordering mandatory reporting of such interactions.⁹ The settlement reached in *Davis* was used as rationale for the court ordered Monitor in the *Floyd* case. In *Floyd*, the court agreed that NYPD conduct these stops without suspicion and instead founded on unconstitutional racial profiling. On October 7, 2024, the Court Appointed Independent Monitor released the latest report showing that the NYPD is failing to comply with their required documentation of *Terry* stops.¹⁰ A *Terry* stop is when an “officer detains a civilian such that the person

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

⁷ Yates Report, *supra* note 1.

⁸ Legal Aid Society, Legal Defense Fund – media release October 7, 2024: “Legal Aid, Legal Defense Fund Condemn NYPD for Chronic Underreporting of Civilian Police Stops.” <<https://legalaidnyc.org/news/report-nypd-failing-report-civilian-stops/>> (accessed 12/12/24).

⁹ *Id.*

¹⁰ Twenty-Second Report of the Independent Monitor, *supra* note 2.



is not free to leave.”¹¹ The results of the Monitor’s report are cause for alarm: they showcase chronic underreporting of stops. The Monitor auditing team has been reviewing NYPD body-worn camera (“BWC”). Concerningly, only 69% of *Terry* stops were documented in 2022 and 59% were documented in 2023.¹² This means that up to 40,000 stops per year are not being reported.¹³ This shows dismal compliance generally, and indeed that trends of compliance are decreasing.

Mass incarceration plagues New York. In 2023, New York State had an incarceration rate of 317 per 100,000 people.¹⁴ This means there are approximately 59,000 New York residents who were incarcerated on any given day.¹⁵ Moreover, at least 267,000 different people were booked into New York jails over the 2023 annual period.¹⁶ These statistics are staggering. As Public Defenders, we are acutely aware of who are remanded in NYC jails and housed in State prisons. They are some of our community’s most vulnerable members. The racial disparity is harrowing -- 90% of those detained at Rikers are Black or Latinx. Over half of the current Rikers population are flagged for mental health concerns. Many are remanded simply because they are unhoused or can’t make bail. The mass incarceration of New Yorkers does not keep our community safe. Incarcerating our most disadvantaged community members in jails and prisons where they are subject

¹¹ *Terry v. Ohio*, 392 U.S. 1 (1968).

¹² Twenty-Second Report of the Independent Monitor, *supra* note 2.

¹³ *Id.*

¹⁴ Prison Policy Initiative, New York Profile Statistics, < <https://www.prisonpolicy.org/profiles/NY.html>> (accessed 10/24/2024).

¹⁵ *Id.*

¹⁶ *Id.*



to deplorable conditions, systemic violence, and limited access to rehabilitative programs does not make New York safer for anyone.

The unconstitutional use of stop-and-frisk practices by the NYPD directly leads to the mass incarceration of Black and Latinx men, women and youth. The Yates Report, as well as the Monitor’s Report, showcase appallingly inaccurate and insufficient reporting of stops by the NYPD despite a court order. Police are not above the law. We deserve transparency for how police powers are implemented, and we must deserve accountability when those procedures are used unfairly.

Stop and frisk practices continue to be used to profile-police Black and Latinx members of our community disparately – particularly in areas such as South Jamaica and Far Rockaway – and it is time for transparency, oversight, accountability and discipline.

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

We support **Int. 798**, sponsored by Council Member Althea Stevens, which would abolish the Gang Database – and prohibit the NYPD or other agencies from creating a new Database with another name. It would also require the City to notify New Yorkers who have been added and inform them of how to request records about their inclusion.¹⁷ Moreover, Int. 798 would create a

¹⁷ See generally, G.A.N.G.S Coalition, <<https://erasethedatabaseny.com/>> (accessed 12/12/24).



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

NYPD have increasingly replaced stop-and-frisk practices with surveillance-based community policing via the Gang Database, which disparately profile Black and Latinx men, young adults, and children. The Gang Database puts minority youths and members at risk of false arrest, malicious prosecution, and wrongful deportation.¹⁸

There are approximately 16,000 New Yorkers on the Gang Database's active list, with many more on the inactive list.¹⁹ Most members are between 17 and 27 years old. 99% of the people in the Gang Database are Black or Latinx.²⁰ This statistic is staggering. Noticeably, there are no members of white supremacist or Mafia organizations – despite there being a recent rise in white supremacist gang activity.²¹

Many of the Gang Database members have not committed a crime and have been flagged for gang involvement simply due to non-criminal and racist stereotypes: family or friend association; which neighborhood or housing

¹⁸ See generally, Surveillance Technology Oversight Project (STOP), Andy Ratto, Nina Loshkajian, Eleni Manis 'Guilt by Association: How Police Databases Punish Black and Latinx Youth.' September 5, 2023. (STOP, 'Guilt by Association')

¹⁹ G.A.N.G.S Coalition, <<https://erasethedatabaseny.com/>> (accessed 12/12/24).

²⁰ *Id.*

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



development they live in; or what they wear. For example, the NYPD has added people to its Gang Database for something as arbitrarily simple as being a Facebook friend or posting “happy birthday” on their profile page.²² This is an absurdly broad inclusionary policy that directly impacts individuals who end up on the database. It does not make New York City safer for anyone -- all it does is create bad data and egregiously puts New Yorkers individual rights at risk. Questions should be asked as to whether funding police operations such as Operation Crew Cut (and those with similar operational goals but which operate under different names) represent a sound allocation of law enforcement resources. An audit conducted by the New York Office of the Inspector General into the Criminal Group Database²³ confirmed that 99% of all entries in the database were Black and Hispanic. This proves what we as public defenders know: which is that this kind of “precision policing” is in reality a way of using race as a proxy for crime.

As Public Defenders, we are acutely aware of how our young clients are treated more harshly in the court system when they are labelled a “gang member.” Such a label can limit chances of bail; alternatives to incarceration; and reduced sentences. In the context of gun prosecutions in Queens, whilst the Queens District Attorney’s Office facilitates a gun diversion program administered by the Fortune Society, the exclusionary criteria for the program

²² STOP, ‘*Guilt by Association*’, *supra* note 17, page 4.

²³ Strauber, Jocelyn (Commissioner) Barrett, Jeanene (Acting Inspector General for the NYPD) New York Department of Investigation Office of the Inspector General for the NYPD (OIC-NYPD) “An Investigation into NYPD’s Criminal Group Database” April 2023 <
www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf > (accessed 12/16/2024).



make it largely inaccessible to most clients. Inclusion on the gang database will almost always ensure that diversion is no longer an option for a client. Indeed, inclusion on the gang database can have very real prejudicial impacts for young people in terms of their ability to access diversion and much needed programming in their communities.

The Gang Database is another way for the NYPD to racially discriminatorily over-surveil and over-police Black and Latinx New Yorkers. Indeed, the NYPD committed more officers to gang policing than there are gang motivated crimes in NYC.²⁴ Gang policing in this manner is a form of racialized profile-policing and it is a violation of individual rights as protected by the Fourth; Fourteenth; and First Amendments.²⁵ This inherent racial bias makes it clear that reform is not an option and the Gang Database must be eliminated in its entirety.

There cannot be proper oversight of NYPD's misuse of police powers through their continued stop-and-frisk practices without the analogous oversight of gang policing. They are both policing tactics motivated by harmful stereotypes of race and class, and they are unacceptable.

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

²⁵ *Id.*, page 2.



C) Queens Defenders supports the movement to End Qualified Immunity in New York

There will continue to be a lack of transparency and accountability for as long as New York continues to accept the defense of qualified immunity for public officials -- including the NYPD -- when they violate constitutional rights. We commend City Council for passing legislation in 2021 that limited qualified immunity,²⁶ but we note that these protections are still not entrenched at a State level. We thank Council Member Yusef Salaam on recently introducing **Resolution 645²⁷** – which calls on the New York State legislature to pass and the governor to sign the **Jackson/Hunter Bill to End Qualified Immunity (S182/A710) Bill**. We urge the City Council and the members of the Public Safety Committee to join advocacy for the passage of this State Bill in the 2025 legislative session.

D) Conclusion

Transparency and accountability are two of the most important pillars of a society that ensures justice and safety for all of its members. There is a systemic culture of racially discriminatory profile policing in New York City. Stop-and-frisk practices continue to be used to profile-police Black and Latinx members of our community disparately. It is time for accountability and law

²⁶ Int. 2220-A (enacted 4/25/2021); *see also*, New York City Council, Press Release: Council Votes To End Qualified Immunity and Seven Other Measures to Reform NYPD, March 25, 2021 <<https://council.nyc.gov/press/2021/03/25/2079/>> (accessed 9/26/24).

²⁷ Council Member Yusef Salaam introduces resolution to end Qualified Immunity, Meeting on November 13, 2024 <<https://citymeetings.nyc/city-council/2024-11-13-0130-pm-stated-meeting/chapter/council-member-yusef-salaam-introduces-resolution-to-end-qualified-immunity>> (accessed 12/11/24).



reform to protect the safety and individual rights of all New Yorkers. Queens Defenders urges the New York City Council to enact legislative reform aimed at the much-needed oversight of unfettered police powers. Thank you for your time and the opportunity to submit testimony to the City Council Committee on Public Safety regarding this matter of significant public interest.

Yours sincerely,

Gina Mitchell

Attorney-in-Charge of Law Reform and Policy, Queens Defenders



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**STATEMENT OF
ANYA WEINSTOCK, LEGAL FELLOW
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

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

**PRESENTED
December 16, 2024**

Good morning, Chair Salaam, and members of the Committee on Public Safety. Thank you for organizing this important hearing. We appreciate the opportunity to testify today on the harms of stop and frisk. The Surveillance Technology Oversight Project (“S.T.O.P.”) is a New York-based civil rights and anti-surveillance group. S.T.O.P. advocates and litigates against discriminatory surveillance. Although stop and frisk was officially discontinued in 2013, we know that far too many BIPOC New Yorkers are stopped every day, and a growing number of NYPD technologies are replicating these exact same injustices.

I. Stop and Frisk Drives Discrimination

Stop and frisk fueled blatantly unconstitutional detention of countless New Yorkers, a wholesale violation of their Fourth Amendment rights. Between 2002-2013, the NYPD stopped more than 5 million of our neighbors using vague, unconstitutional criteria.¹ And while the number of stops may have dropped in the decade since, we cannot ignore the daily reality of so many New Yorkers who are still illegally stopped.

Stop and frisk is ineffective and racist. 90% of stopped New Yorkers who endured this physical assault did absolutely nothing wrong.² Imagine going about your life, trying to buy groceries or go to school, only to be pushed against a wall, an officer’s hands on your body, your most intimate areas invaded against your will. It’s not just bad policing, it’s a traumatic assault. Unsurprisingly, 54% of those assaulted this way were Black while only 9% were white.³ This is blatant racial profiling. Pretexts for stops included vague criteria like “fits description,” “furtive movements,” and “suspicious bulge” that could be applied to almost anyone police chose to target. *Floyd v. City of New York*, may have officially stopped these frisks, but the reality was more complicated.

II. The New Digital Stop And Frisk

Even before the ink was dry on the *Floyd* settlement, the NYPD sought out new ways to use technology to replicate stop and frisk abuses. The NYPD’s vast surveillance network includes sprawling databases, nearly 100,000 cameras, social media monitoring software, predictive policing analytics, historic NYPD crime data, and countless other monitoring tools. Even worse, this data is then pushed out to every officers’ phone, giving tens of thousands of officers the power to invade their friends, family, and neighbors’ most intimate information.

¹ “Stop-and-Frisk Data” (NYCLU, 2021), <https://www.nyclu.org/en/stop-and-frisk-data>.

² *Ibid.*

³ *Ibid.*

With a panopticon in their pocket, officers have the data to construct a pretext to stop countless New Yorkers. Even worse, these systems are riddled with error and racial bias, replicating the violence of stop and frisk against BIPOC New Yorkers.

A. ShotSpotter

ShotSpotter is a dangerous driver of surveillance stops. Disproven by a growing array of independent reviewers, ShotSpotter's error-prone audio sensors, computer software, and human analysts crudely classify loud sounds from across the city, frequently misidentifying fireworks, car backfires, and other everyday sounds as shots. A comprehensive study of over 50,000 ShotSpotter alerts in Chicago found that more than 9 of 10 dispatches were apparent false alarms. Predictably, when ShotSpotter led to stops, even the police admitted they had no basis to arrest the vast majority of people they targeted...over 75%.⁴

Despite this deluge of wrongful stops, New York City continues to expand its use of ShotSpotter. In 2021, New York City added three years and \$22 million to its contract, nearly doubling its previous annual outlay,⁵ and putting it in the top 5% of NYPD contractors.⁶ Just this month, the NYPD once again renewed this contract, committing New Yorkers to waste even more money deploying even more microphones that will lead to even more wrongful stops.⁷

ShotSpotter uses the NYPD's tired datawashing playbook. So often, the NYPD uses inaccurate and racially skewed crime data to rationalize more over-policing of BIPOC communities. ShotSpotter fuels this deadly cycle by disproportionately deploying error-prone sensors in BIPOC neighborhoods, inflating the number of reported shootings, which leads to more police, more stops, and more sensors.⁸ While we don't have precise data on ShotSpotter placement today, as of 2018, 70% of ShotSpotter sensors were in majority Black or majority Latinx precincts.⁹

⁴ Joseph M Ferguson and Deborah Witzburg, "The Chicago Police Department's Use of ShotSpotter Technology," City of Chicago Office of Inspector General, OIG File #21-0707, August 24, 2021, <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>. The study documented 244 arrests and 152 recovered guns for 50,176 ShotSpotter alerts.

⁵ ShotSpotter contract summaries retrieved from CheckbookNYC, the NYC Comptroller's website the city's municipal spending: https://www.checkbooknyc.com/smart_search/citywide?search_term=shotspotter!*domain=contracts.

⁶ *Ibid.*

⁷ "Report: ShotSpotter Technology Increases Surveillance and Policing of Black and Latine New Yorkers, While Failing to Reduce Gun Violence, Analysis of Nine Years of Previously Undisclosed Police Data Reveals," Brooklyn Defenders, December 4, 2024, <https://bds.org/latest/report-shotspotter-technology-increases-surveillance-and-policing-of-black-and-latine-new-yorkers-while-failing-to-reduce-gun-violence-analysis-of-nine-years-of-previously-undisclosed-police-data-reveals>.

⁸ Gabriel Sandoval and Rachel Holliday Smith, "'ShotSpotter' Tested as Shootings and Fireworks Soar, While Civil Rights Questions Linger," The City, 5 July 2020, <https://www.thecity.nyc/2020/7/5/21312671/shotspotter-nyc-shootings-fireworks-nypd-civil-rights>.

⁹ "Report – ShotSpotter and the Misfires of Gunshot Detection Technology," S.T.O.P., July 14, 2022, <https://www.stopspying.org/shotspotter>.

ShotSpotter’s discriminatory sensor placement leads to discriminatory, even deadly, results. In New York City, plainclothes officers responding to a ShotSpotter alert refused to identify themselves to and assaulted a 20-year-old man they found legally smoking marijuana.¹⁰ In Chicago, “being in an area with frequent ShotSpotter alerts” was enough to justify stops and frisks.¹¹ In the worst cases, ShotSpotter’s consequences have allegedly been deadly. Chicago police chased, shot, and killed 13-year-old Adam Toledo within five minutes of arriving in his neighborhood in response to a ShotSpotter alert.¹² Toledo died with his empty hands up.¹³

B. *Automated License Plate Readers (“ALPRs”)*

New York has one of the largest arsenals of ALPRs in the country, cameras on street lights and patrol cars that track the license plates of every car they see. Often, these cameras also photograph the faces of drivers and passengers, even children, storing this data for months, even years. Police can program ALPRs to alert them for specific plates, all without any public or judicial oversight, putting those targeted at risk, including those targeted by mistake. Disturbingly, even this simplest form of police tech often is less reliable than officers want to admit. Existing ALPRs can be wrong 10% of the time, and use of the system in bad weather and low light can be particularly challenging.¹⁴

Like ShotSpotter, mistakes can be deadly. Oakland police held two men in a rental car at gunpoint when an ALPR falsely flagged the vehicle as stolen. Police stopped the car, ordered out the driver and his brother, and handcuffed them with guns drawn while contacting the rental company. In a common twist, the ALPR was triggered by an out of date “hot list” of stolen vehicles.¹⁵ Predictably, the risk of police violence in such a stop is much higher for Black motorists. But these sorts of unintentional errors are less concerning than the pattern of using ALPRs in intentionally discriminatory ways. Historically, the NYPD routinely outfitted unmarked police cars with ALPRs to record the plates of everyone parked near a mosque.¹⁶ While that particular NYPD program may have been discontinued, there are no meaningful protections

¹⁰ Gabriel Sandoval and Rachel Holliday Smith, “ShotSpotter’ Tested as Shootings and Fireworks Soar, While Civil Rights Questions Linger,” *The City*, 5 July 2020, <https://www.thecity.nyc/2020/7/5/21312671/shotspotter-nyc-shootings-fireworks-nypd-civil-rights>.

¹¹ Ferguson and Witzburg, “Chicago Use of ShotSpotter.”

¹² Chris Mills Rodrigo, “Police Technology Under Scrutiny Following Chicago Shooting,” *The Hill*, April 21, 2021, <https://thehill.com/homenews/state-watch/549612-police-technology-under-scrutiny-following-chicago-shooting/>.

¹³ Grace Hauck, “Evolution of a City’s Account of a Killing: How Chicago’s Narrative Changed in the Fatal Police Shooting of Adam Toledo,” *USA TODAY*, April 16, 2021, <https://www.usatoday.com/story/news/nation/2021/04/16/adam-toledo-police-shooting-how-chicagos-narrative-changed/7260911002/>.

¹⁴ Lisa Fernandez, “Privacy advocate sues CoCo sheriff’s deputies after license plate readers target his car stolen,” *KIVU*, February 19, 2019, <https://www.ktvu.com/news/privacy-advocate-sues-coco-sheriffs-deputies-after-license-plate-readers-target-his-car-stolen>.

¹⁵ Charlie Warzel, *When License-Plate Surveillance Goes Horribly Wrong*, *NYTimes*, April 23, 2019, <https://www.nytimes.com/2019/04/23/opinion/when-license-plate-surveillance-goes-horribly-wrong.html>.

¹⁶ Adam Goldman & Matt Apuzzo, *NYPD Defends Tactics Over Mosque Spying; Records Reveal New Details On Muslim Surveillance*, *Huffpost*, Apr. 25, 2012, https://www.huffpost.com/entry/nypd-defends-tactics-over_n_1298997.

against its resumption. Nationally, ICE creates watch lists using ALRP data to track undocumented immigrants, using information from partnered local police departments.¹⁷

III. Recommendations

We urge the Council to mitigate stop and frisks' harms and make the NYPD accountable for its use of surveillance through compliance with the Public Oversight of Surveillance Technology (POST) Act and outright bans of its most harmful technology.

A. POST Act

The Public Oversight of Surveillance Technology (POST) Act, enacted in 2020, was the first New York City surveillance law since 9/11, and it required the NYPD to detail every technology it uses and how NYPD data is shared.¹⁸ The law came in response to widespread outrage over the ineffectiveness, invasiveness, and cost of NYPD's growing surveillance arsenal. Prior to the POST Act, the NYPD attempted to hide its use of invasive tools including StingRays, which mimic cellphone towers,¹⁹ social media monitoring, Wi-Fi-based location tracking, the Domain Awareness System, and much more.²⁰

The POST Act was an essential first step in gaining greater transparency over the state of surveillance in New York City, but the NYPD has blatantly disregarded the requirements it imposes. The law does not set a high bar: NYPD is only required to disclose its surveillance tools and data sharing policies. Still, the NYPD has failed to clear even the low bar set by the POST Act. It failed to comply with the law's reporting requirements with the draft "impact and use" policies published for public comment in January 2021, which consisted largely of boilerplate language not specific to each individual technology. NYPD then failed to respond to the public's requests for more information when it published its revised policies in April 2021.

To mitigate the harms of digital stops, the public must know the extent of the NYPD's reliance on surveillance technologies. We urge the Council to support Intro 480-2024 and Intro 168-2024 ensuring that the NYPD complies with the POST Act. This legislation would add new provisions to the POST Act which would require that the NYPD, upon request, provide the Department of Investigation (DOI) with an itemized list of all surveillance technologies currently used by the Department, and provide information on all data access and retention policies for data

¹⁷ Zach Whittaker, *ICE Has a Huge License Plate Database Targeting Immigrants, Documents Reveal*, Tech Crunch, March 13, 2019, <https://techcrunch.com/2019/03/13/ice-license-plates-immigrants/>.

¹⁸ Public Oversight of Surveillance Technology (POST) Act, N.Y. City Council § 14-188 (N.Y. 2017), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343878&GUID=996ABB2A-9F4C-4A32-B081-D6F24AB954A0>.

¹⁹ "NYPD Has Used Stingrays More Than 1,000 Times Since 2008," NYCLU, February 11, 2016, <https://www.nyclu.org/en/pressreleases/nypd-has-used-stingrays-more-1000-times-2008>.

²⁰ Ayyan Zubair, "Domain Awareness System," S.T.O.P., September 26, 2019, <https://www.stopspying.org/latest-news/2019/9/26/domain-awareness-system>.

collected by such technologies. In addition, the legislation requires that the NYPD provide DOI with quarterly updates on all newly acquired or discontinued surveillance technologies and updates to any data access and retention policies established in recently executed contracts for surveillance technologies. Supporting these bills would help mitigate abuses of ALPRs, ShotSpotter, and the countless other technologies that replicate the dynamics of stop and frisk.

B. Ban Surveillance Technologies that Lead to Discriminatory Stops

As discussed, many technologies in the NYPD’s surveillance arsenal can and do lead to discriminatory and needless investigative stops. We need the Council to prohibit the most abusive uses of surveillance technologies. **We urge the Council to ban the use of ShotSpotter or, in the alternative, to pass a resolution against it.** Many city police departments outside of New York – such as in Chicago, Atlanta, and Seattle – have already cancelled their ShotSpotter contracts.²¹ New York City must join the growing list of cities that finds that ShotSpotter only endangers, rather than increases, public safety. ShotSpotter and ALPRs are not alone among flawed surveillance technologies. Like ALPRs and ShotSpotter, FRT is biased and error prone and can lead to discriminatory stops. We urge the Council to introduce a ban on government use of FRT, and to support Intros 1014 and 1024 banning use of FRT in places of public accommodation and residences.

Thank you for the opportunity to testify today.

²¹ Diba Mohtasham, “Chicago will drop controversial ShotSpotter gunfire detection system,” NPR, February 15, 2024, <https://www.npr.org/2024/02/15/1231394334/shotspotter-gunfire-detection-chicago-mayor-dropping>; “Two More Major cities Say No to ShotSpotter,” Campaign Zero, December 02, 2022, <https://campaignzero.org/two-more-major-cities-say-no-to-shotspotter/>.



TESTIMONY

New York City Council

Committee on Public Safety

Oversight — The NYPD's Use of Stop-and-Frisk and Other Investigative Encounters

December 16, 2024

The Legal Aid Society
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INTRODUCTION

The Legal Aid Society (LAS) submits this testimony to the New York City Council's Committee on Public Safety concerning New York City Police Department's (NYPD) use of stop-and-frisk and other investigative encounters. We thank the members of the NYC Council, the Committee on Public Safety, and Chair Yusef Salaam, for holding this important oversight hearing and for allowing Legal Aid to testify on behalf of the communities we serve.

About The Legal Aid Society

Since 1876, The Legal Aid Society has provided free legal services to low-income New Yorkers. Over the years, our organization has expanded to become the nation's largest and oldest legal services provider for low-income individuals and families.

We specialize in three distinct practice areas – Criminal Defense, Civil, and Juvenile Rights – where we passionately advocate for our clients in their individual cases, for their communities in our policy work, and for institutional change in our law reform litigation. Each year our staff handles over 300,000 cases throughout New York City, bringing a depth and breadth of perspective that is unmatched in the legal profession. The Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. We are a valuable piece of the New York City tapestry, and our work is deeply interwoven within the fabric of many low-income New Yorkers' lives.

Our Criminal Defense Practice is the city-wide public defender, practicing in each of the five boroughs and annually representing over 200,000 low-income New Yorkers accused of unlawful or criminal conduct on trial, appellate, post-conviction matters, and representing prisoners' rights in city jails and state prisons seeking to reform systems of incarceration. The Law Reform and Special Litigation Unit of the Criminal Defense Practice engages in affirmative litigation and policy advocacy on systemic legal issues affecting the rights of Legal Aid's criminal defense clients, including issues of police violence, harassment, and abuse. The Cop Accountability Project within the Special Litigation Unit at The Legal Aid Society works specifically to combat the police misconduct that too many of our clients experience. Additionally, we maintain the most comprehensive set of NYPD misconduct records in a database called the Law Enforcement Look Up (LELU) on our website. In these capacities, and through our role as counsel in several civil rights cases including *Davis v. City of New York*, the Legal Aid Society is in a unique position to testify about NYPD's use of stop-and-frisk before the City Council today.

THE LEGAL AID SOCIETY’S TESTIMONY ON NYPD’S USE OF STOP-AND-FRISK AND OTHER INVESTIGATIVE ENCOUNTERS

I. NYPD Continues to Engage in Unconstitutional Stop-and-Frisk Activity and Racial Profiling in Flagrant Disregard of Court-Ordered Reforms

A. Background

On August 12, 2013 in *Floyd v. City of New York*, a federal court found the City of New York liable for the New York City Police Department’s (“NYPD’s”) unconstitutional use of stops and frisks in violation of the Fourth Amendment, and its unconstitutional policy and practice of racially profiling Black and Hispanic New Yorkers in violation of the Equal Protection Clause of the Fourteenth Amendment. 959 F. Supp. 2d 540 (S.D.N.Y. 2013). On the same day, the *Floyd* court issued an Opinion and Order (“Remedial Order”) directing the NYPD to take certain preliminary steps toward remedying these unconstitutional policies and practices, including revisions to its policies and trainings, improving its system of documenting stops, frisks, and searches, and improvements to supervision, monitoring, and discipline of officers. *See generally Floyd v. City of New York*, 959 F. Supp. 2d 668 (S.D.N.Y. 2013). In addition to *Floyd*, which concerned NYPD’s use of stop-and-frisk and racial profiling on the street, the court’s Remedial Order also covers two related lawsuits, *Ligon v. City of New York* and *Davis v. City of New York*, which concerned NYPD’s practice of conducting unconstitutional trespass stops and arrests in certain private apartment buildings and in public housing, respectively. The Legal Aid Society serves as counsel to the plaintiffs and class in *Davis*.

In its Remedial Order, the court appointed a Monitor to oversee the implementation of critical reforms to NYPD’s policies and practices related to stop-and-frisk, trespass enforcement, and racial profiling, and to conduct regular reviews of NYPD’s progress toward compliance with the Fourth and Fourteenth Amendments. *Id.* But in the eleven years since the court issued these opinions and orders in *Floyd*, the Monitor’s reports have shown that the NYPD is not, and has never been, in compliance with the Constitution.

B. Since 2021, NYPD’s Constitutional Violations Have Worsened

Both unlawful stops, and the sheer volume of stops by NYPD, have been trending up since 2021.¹ In the first half of 2023, more than 30% of documented frisks and searches were unconstitutional, an over 60% increase in unconstitutional frisks and searches since 2021.² This trend correlates with the increase in self-initiated stops over the same period. In 2020, 19% of reported *Terry* stops were self-initiated, but by 2023, that percentage had increased to 46%.³ Specialized units continue to make more improper *Terry* stops than patrol units. In the first half of 2023, “the specialized units, such as the Neighborhood Safety Teams (“NST”) and Public Safety Teams (“PST”), made the majority (54%) of the improper *Terry* stops, frisks, and

¹ Mylan Denerstein, *Twenty-First Report of the Independent Monitor*, MONITOR’S COMPLIANCE REPORT, 3, 11 (Sept. 4, 2024), available at https://www.nypdmonitor.org/wp-content/uploads/2024/09/21st-Monitor-Report-General-Compliance-Report_Stamped.pdf

² *Id.* at 3.

³ *Id.* at 9.

searches, most of which were self-initiated stops.”⁴ The Monitor also found that Housing Bureau officers who police New York City Housing Authority (“NYCHA”) buildings make more improper *Terry* stops and searches than the NYPD as a whole.⁵ In an audit of 2022 *Terry* stops, Housing Bureau officers lacked reasonable suspicion for 23% of stops, and 37% of the searches they conducted were unlawful.⁶

As alarming as these numbers are, they do not account for the significant number of stops that NYPD never reports. The Monitor’s audits of officer body-worn camera footage showed that in 2023, only 59% of stops requiring stop reports were documented.⁷ Officers in specialized units including NSTs and PSTs had even higher rates of underreporting, documenting fewer than 50% of stops requiring stop reports.⁸

Black and brown New Yorkers bear the brunt of these unconstitutional stops. While the number of stops declined between 2013 and 2022, racial disparities remained largely unchanged. In 2022, Black and Hispanic New Yorkers comprised 88.3 percent of reported stops.⁹ Given NYPD’s persistent underreporting of stops, these racial disparities may be even worse than we know given that officers are less likely to document unlawful stops and frisks.

C. The NYPD Allows Officers to Engage in Improper Stop-and-Frisk Activity with Impunity

Over the course of the past decade, the federal court monitorship has facilitated many changes to NYPD policies, procedures, and training. NYPD now requires all uniformed patrol officers to wear body-worn cameras, conducts regular internal audits, and has established early intervention programs to identify problem officers. Despite these changes, the NYPD’s failure to police the community impartially and constitutionally persists, and is getting worse.

Central to these recalcitrant constitutional violations is NYPD’s failure to discipline officers for engaging in unlawful stops, frisks, and racial profiling. This begets a culture of impunity and an understanding among officers that failing to adhere to Department policies will, in most cases, result in minimal, if any, consequences. The NYPD’s discipline system was examined in detail in a recent court-ordered report (“Discipline Report” or “Report”) written by retired judge Hon. James Yates, who concluded that officers “rarely, if ever” receive any discipline for stop and frisk-related misconduct, even when the Civilian Complaint Review Board finds that the officer committed the misconduct.¹⁰

⁴ *Id.* at 3-4.

⁵ *Id.* at 4.

⁶ *Id.* For the same period, the Monitor determined that NYPD-wide, 86% of *Terry* stops had reasonable suspicion and 70% of the searches were lawful.

⁷ Mylan Denerstein, *Twenty-Second Report of the Independent Monitor, UNDERREPORTING OF TERRY STOPS BY THE NYPD*, 1 (Oct. 7, 2024), available at <https://www.nypdmonitor.org/wp-content/uploads/2024/10/2024.10.07-937-1-NYPD-Underreporting-of-Terry-Stops-Report.pdf>

⁸ *Id.* at 9.

⁹ Mylan Denerstein, *Twentieth Report of the Independent Monitor, RACIAL DISPARITIES IN NYPD STOP, QUESTION, AND FRISK PRACTICES: AN ANALYSIS OF 2013-2022 STOP REPORTS*, 10 (Apr. 11, 2024), available at <https://www.nypdmonitor.org/wp-content/uploads/2024/04/2024.04.11-927-1-Twentieth-Report.pdf>

¹⁰ James Yates, *Report to the Court on Police Misconduct and Discipline* (hereinafter “Discipline Report”), 480 (Sept. 19, 2024), available at <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>

The 503-page Discipline Report provides new insight into the NYPD's systematic failure to hold officers accountable for stop and frisk-related misconduct and racial profiling, revealing a system that is broken at every level. Supervisors, who are responsible for reviewing the stop reports of their subordinates, rarely conclude that officers in their command had insufficient bases to engage in a stop, frisk, or search, despite the high rates of unlawful stop, frisk, and search activity uncovered by the Monitor.¹¹ On the rare occasion that supervisors identify deficiencies in a stop report, they often merely correct the report without taking further action, despite an obligation to investigate and refer the officer for remedial action, including discipline, if appropriate.¹² Throughout the course of his investigation, Judge Yates was unable to find any evidence that a supervisor had imposed discipline for wrongful stops and frisks.¹³ While disturbing, this is not surprising: supervisors are often at the scene of unlawful stops and frisks¹⁴ and are rarely held accountable for the actions of their officers. From 2016 to 2018, only one supervisor was disciplined for authorizing an improper stop or frisk or for failing to supervise.¹⁵

Other investigative units inside the NYPD likewise fail to monitor or investigate street encounters for stop, frisk, or search-related misconduct or racial profiling, despite proactive efforts to identify other forms of misconduct like corruption.¹⁶ While the NYPD's internal audits regularly uncover swathes of deficient stop reports and failures to complete stop reports altogether, these internal reviews do not lead to further investigation or subsequent discipline.¹⁷

Absent a complaint to the Civilian Complaint Review Board (CCRB), the likelihood that NYPD will find that an officer engaged in stop, frisk, or search-related misconduct is incredibly small.¹⁸ But even when a CCRB investigation finds clear evidence of misconduct, the NYPD actively undermines the subsequent disciplinary process in a variety of ways. In the *Floyd* Remedial Order, the Court ordered the NYPD to improve its procedures for imposing discipline in response to CCRB substantiations of stop, frisk, and search-related misconduct, including increasing deference to the CCRB's credibility determinations.¹⁹ In the years since, little has changed. Time and time again, police commissioners reviewing the CCRB's disciplinary recommendations have asserted, without supporting evidence, that an officer should face reduced or no penalties because the conduct was a "good faith mistake."²⁰ After reviewing a sample of 91 cases in which the CCRB substantiated a stop-and-frisk allegation, the Report found that "no officer received penalty days for [command level discipline] recommended by the Board and no

¹¹ Mylan Denerstein, *Twenty-First Report of the Independent Monitor*, MONITOR'S COMPLIANCE REPORT, 33 (Sep. 4, 2024), available at https://www.nypdmonitor.org/wp-content/uploads/2024/09/21st-Monitor-Report-General-Compliance-Report_Stamped.pdf

¹² Discipline Report at 125-27.

¹³ *Id.* at 125.

¹⁴ *Id.* at 126-127. In the third quarter of 2020, a supervisor was on the scene for nearly 75% of investigative encounters.

¹⁵ *Id.* at 132-33.

¹⁶ *Id.* at 141.

¹⁷ *Id.* at 129.

¹⁸ *Id.* at 125.

¹⁹ *Floyd v. City of New York*, 959 F. Supp. 2d 668, 684 (S.D.N.Y. 2013).

²⁰ Discipline Report at 366.

officer has received the presumptive three-day penalty for [stop, frisk, or search-related] misconduct [prescribed by the NYPD disciplinary guidelines].”²¹

The report also highlights various ways the NYPD abuses certain procedures in the disciplinary process to avoid penalizing officers for bad behavior. Among these are the overutilization of a provision in the Memorandum Of Understanding (MOU) with the CCRB permitting it to administratively prosecute substantiated cases in the NYPD Trial Room.²² Paragraph 2 of the MOU establishes a process by which, under limited circumstances, the NYPD may strip the CCRB of its ability to prosecute a case if the Police Commissioner determines that the prosecution “would be detrimental to the Police Department’s disciplinary process.”²³ In practice, the Police Commissioner invokes this provision in far more circumstances than what is provided for in the MOU. Former Commissioner Caban utilized this provision to end disciplinary proceedings for 60% of the CCRB’s prosecutions this year alone.²⁴ His predecessor used it to dispose of 40% of CCRB cases during her tenure.²⁵

As we made this Council aware last year, the NYPD also allowed a significant number of CCRB cases to be closed administratively by refusing to file charges against officers, allowing the statute of limitations to expire and foreclosing the possibility of discipline altogether.²⁶ Further investigation by Judge Yates revealed that just over 39% of CCRB cases were closed in this way between January 2022 and October 2023.²⁷ One hundred and ninety-one of those cases included allegations of stop, frisk, and search-related misconduct.

The Discipline Report is clear that NYPD’s discipline system fails to hold officers accountable for unlawful stops, frisks, searches, or racial profiling in any way. Given the complexities of the NYPD’s discipline system, the reasons for this are many. But the core problem is one of failed leadership. The City Charter endows the Police Commissioner with absolute authority and unchecked discretion over officer discipline. The law is rendered meaningless as long as NYPD Police Commissioners continue to facilitate NYPD’s culture of impunity by refusing to discipline officers, even when confronted with clear evidence of misconduct. Without fundamental structural changes to NYPD’s discipline system, that culture simply will not change. The Legal Aid Society asks this Council to hold additional hearings in 2025 to examine meaningful alternatives to NYPD’s existing discipline system, including the possibility of permanently stripping the Police Commissioner of final authority over discipline.

²¹ *Id.* at 389.

²² “Memorandum of Understanding Between the Civilian Complaint Review Board (CCRB) and the Police Department (NYPD) of the City of New York Concerning the Processing of Substantiated Complaints” (April 2, 2012), available at https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

²³ *Id.*

²⁴ Eric Umansky, *The NYPD is Throwing Out Hundreds of Misconduct Cases—Including Stop-and-Frisks—Without Looking at Them*, PROPUBLICA (Sept. 11, 2024), <https://www.propublica.org/article/nypd-tossed-out-police-misconduct-discipline-cases-edward-caban>

²⁵ *Id.*

²⁶ Letter, The Legal Aid Society to Mayor Eric Adams (Mar. 15, 2023), <https://legalaidnyc.org/wp-content/uploads/2023/03/2023-3-14-Letter-to-Mayor-re-NYPD-Discipline-Departures.pdf>

²⁷ Discipline Report at 248.

II. The NYPD's Race-Based Stop-and-Frisk Practices Populate Its Secret and Unlawful Gang Database

The NYPD's unconstitutional stop-and-frisk and racial profiling practices are inextricably entwined with NYPD's targeting and surveillance of communities and individuals of color through its secret Gang Database (also known as the "Criminal Group Database"). The Gang Database empowers officers to stop, harass, and violate the rights of New Yorkers based on their appearance and where they live. Gang affiliation is defined so broadly that NYPD can police any predominantly Black or Latinx neighborhood or Black or Latinx individual under the guise of "gang policing," rather than racial profiling. The Gang Database is almost entirely (99%) made up of Black and Latinx New Yorkers²⁸ with no meaningful mechanism for an individual to challenge their inclusion.

The narrative that there is a "gang problem" provides cover for NYPD to conduct unconstitutional stops, frisks, searches, and racial profiling. Officers use unlawful stops to procure the identities of individuals, predominantly young Black and Latinx men and boys as young as 11, and populate the Gang Database with their information.²⁹ And for individuals who are already in the Gang Database, NYPD targets them for more frequent and invasive investigative encounters, arrests, and surveillance. While NYPD touts the Database as a precision policing tool to identify members of criminal groups, the criteria for the Gang Database does not require reasonable suspicion of criminal activity or participation in a crime. Inclusion in the Gang Database could be based on things as simple as posts on social media, the clothes you wear, who your friends are, and where you live.³⁰ The label of "suspected gang member" is thus routinely abused to justify stops that have no legal basis.

The NYPD's Gang Database is racist, unlawful, and unconscionable. NYPD leadership must immediately correct the unconstitutional use of stop and frisk and racial profiling to stop and surveil those in the Gang Database. We also demand that the City Council pass Intro 798 to abolish the Gang Database altogether.

III. Conclusion

The Legal Aid Society requests that this Council hold additional hearings on potential reforms to the NYPD's broken disciplinary system, which has impeded NYPD's compliance with the Fourth and Fourteenth Amendments to the United States Constitution for over a decade. We also ask that this Council pass Intro 798 to abolish the NYPD's racist and unlawful Gang Database.

²⁸ See generally NYC Department of Investigation and Office of the Inspector General for the NYPD, *An Investigation Into NYPD's Criminal Group Database*, 34 (April 18, 2023) (hereinafter "OIG Report"), available at <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

²⁹ OIG Report at 35-36.

³⁰ OIG Report at 68.

My name is Kezilar Cornish. I reside in Brooklyn. I'm a member of the Civil Rights Union of Voices of Community Activists (VOCAL-NY) , and a member of Communities United for Police Reform (CPR) trying to end mass incarceration and harmful policing. I'm here to testify on police misconduct and corrupt police practices that I endured in 1994. I've felt powerless against the seemingly god-given authority of the NYPD.

I feel powerless and helpless that they're able to do that. They're making people feel powerless; the NYPD is given god-like authority. As soon as a cop stops a pedestrian they feel like they have to put their hands up. Why is the public trained to be fearful? It's become so ingrained within society that that's the norm. This reduces the citizen to a suspect; the PD is deemed more important than the people they're working for.

The train stopped and the cop that was patrolling the train walked into the car. The cop said he was searching for a bag snatcher. I said no, the cop grabbed me and tried to pull me off the train. And that's where the struggle started. We ended up fighting on the platform.

The NYPD started chasing me through the tunnels. Once they caught me in the station they brought me before this woman whose bag was snatched and they asked her if I was the guy who snatched her bag and she said no.

The NYPD was looking for a particular Black man and when he searched the train car, I became that black man. They were looking for any Black man regardless of whether or not they fit the description. The consequences of my conviction and illegal stop doesn't matter to the NYPD, they just want to close the case (eg. "cleaning the books").

Testimony

New York City Council Committee on Public Safety

December 16, 2024

Samy Feliz

Brother of Allan Feliz

Justice Committee Member

My name is Samy Feliz. I am the brother of Allan Feliz, who was unjustly stopped in his car and murdered by the NYPD in 2019. I am also a member of the Justice Committee, an organization that works with families whose loved ones were killed by police, and I'm a New Yorker who is regularly stopped because of the color of my skin.

I think you know Allan's story: After Lt. Jonathan Rivera climbed into Allan's car, beat, tased, threatened to kill and shot Allan at close range, Officer Barrett dragged Allan from the car, exposing his genitals. Rather than cover him up, the NYPD let him bleed out in the street, cuffed and exposed. Lt. Rivera recently faced a discipline trial and my family continues to fight to ensure Commissioner Tish fires him for murdering my brother.

Allan was killed during a car stop, which is not the focus of this hearing, but the same disregard for human life and dignity the NYPD showed Allan is evident in their pedestrian stop practices.

When I testified at the first How Many Stops Act hearing, I shared that, under Eric Adams, the NYPD's abusive stop practices were getting worse in my neighborhood of Washington Heights. Now, a year and a half later, things are even worse.

This past July, I was walking out of my home carrying a satchel I usually have with me. Officers suddenly jumped out of a car and demanded to know if I had weapons. When officers jump like that and tell you they think you have a weapon, what goes through your mind is, "this could be the end of my life." They found a hairbrush inside my bag, which they said was the "bulge" they thought was a gun. I'm lucky the incident ended there, but I no longer carry a hairbrush.

As someone who knows all my neighbors and works to make our community safer, I hear stories like mine all the time.

Over the past several months, people have told me about being followed down the street by officers who want to see who they're interacting with. When they shake a friend's hand or offer a dollar to someone in need, officers roll up and question them. Others have shared how they've been approached while sitting on their stoops—maybe smoking a cigarette or a joint, both of which are legal—only to be harassed by officers demanding ID and explanations for their presence.

Some of these encounters have escalated to unjust arrests and community members I know have filed complaints. Most of these incidents involve officers in khaki pants, the so-called

“Community Response” cops. To me, they’re “Community Robo Cops.” It’s absurd to call them a community team when their actions only harm the community.

Thanks to the How Many Stops Act, we know that - in spite of Black and Latine New Yorkers making up about 73% of the population in Washington Heights - they made up 85% of those targeted for level 1 stops and 97% of those targeted for level 2 stops last quarter. The data shows us that these kinds of racial disparities exist across the city. We need the NYPD to provide us with the raw data so that we can further understand the rationale behind these stops and address their discriminatory impact.

Some think these so-called low-level stops are just minor inconveniences, but when it happens to you all the time, when you’re constantly hearing about it happening to your neighbors, and when you know that the worst case scenario is that they escalate to loss of life, it causes constant fear and anxiety. That’s what my community feels.

Thank you to Chair Salaam and the whole Public Safety Committee for holding this hearing and paying attention to what is happening in our communities. This issue is deeply important to me and the other families whose loved ones were killed by the police because we want to make sure no other family has to join this club no one wants to be in. We appreciate your partnership on these issues so far and ask that you continue this partnership in the new year, especially because the NYPD’s abuse is only going to increase under Trump and at least another year of Mayor Adams.

Lastly, my family and I call on you to help us ensure that Commissioner Tisch and Mayor Adams hold fire Lt. Rivera for murdering my brother. The NYPD’s violence and abuse must end and it starts with meaningful accountability and systemic change.

Thank you.

The special narcotics prosecutor's office is where accountability and transparency around stop and frisk goes to die.

My reason for making such a bold assertion is based on my family experiences and the experiences of other individuals that have been convicted of a questionable stop and frisk, that led to a drug conviction in that prosecutorial office.

My brother Tyreik Gilford was wrongfully convicted and served a 6.5 year sentence in a NYS prison for a crime that both he and his co defendant maintain his innocence. The conviction was secured through the SNP, working in tandem with an NYPD specialized crime unit known as the PSA's which provides law enforcement to NYCHA residents. Using words like "high crime area," officers and prosecution's witnesses were able to convince the jury that a crime had occurred, in spite of a confession by the codefendant and a admission of sole responsibility for possessing drugs, not obtained by Tyreik Gilford.

We all know that the special narcotics prosecutor is appointed by all five of the borough based district attorneys. However, these attorneys have no jurisdiction over the SNP office and cannot reach in to take a second look at these questionable stop and frisk convictions.

These cases never receive the justice they deserve because there is no objectivity in the review process. And this is what I mean when I say that the SNP's office is where justice goes to die.

I am speaking out in this matter, for my brother Tyreik Gilford and for all of the other Tyreik Gilford's in New York State. My call to action is for this commission to create a provision that would allow each borough based district attorney's conviction review units to be granted the ability to pull cases for review where officer credibility has been called into question. Us NYers deserve every opportunity for justice is in the legal system, and I am calling on you all to close this loophole in one of NYC's prosecutorial units.

I would like to acknowledge that I have the support of my Harlem elected officials, the CEO and founder of Families and Friends of the Wrongfully Convicted, and the Perlmutter Center of Legal Justice.

Again, I am Dr. Tawanna Gilford and I can be reached at Dr.gilford2012@gmail or [REDACTED].

Thank you.

Respectfully,

Dr. Tawanna Gilford

Licensed psychologist

Cofounder of the Stop False Police Reporting Initiative

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Tatiana Hill

Address: _____

I represent: Office of the Community Liaiser

Address: Remote office

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: MAURICIA HARRY

Address: _____ BROOKLYN NY 11234

I represent: Office of the Community Liaison

Address: Remote

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Bethany McCall

Address: _____ Bronx NY

I represent: The Bronx Defenders - Community

Address: _____ United for Police Reform

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/2024

(PLEASE PRINT)

Name: Mylana Gerard

Address: _____

I represent: Bronx Community Justice Center (CJI)

Address: 630 Jackson Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: German Thompson

Address: _____

I represent: The office of The Community Liaison

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Vernica Leventhal

Address: _____

I represent: Legal Aid + GANGS Coalition

Address: 111 Livingston St. BK, NY

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Chief Haddley, Chief of Department

Address: 1 PP

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Deputy Commissioner Michael C. Gerbert

Address: 1 PP

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Josh Lenn, Director of Legal Affairs

Address: 1 PP

I represent: NYPD

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1100 Res. No. _____

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: PAUL GAMBLE, Deputy Commissioner Department Advocate

Address: Office N/PPD

I represent: N/PPD

Address: 2 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1100 Res. No. _____

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: CLEOPATRA AKOZIAS, Executive Director

Address: LEGAL BUREAU

I represent: N/PPD

Address: 2 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1100 Res. No. _____

in favor in opposition

Date: 12/16/24

(PLEASE PRINT)

Name: Julie Morrill Deputy Chief

Address: Quality Assurance Section

I represent: N/PPD

Address: 2 Police Plaza

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: BARE HOWELL

Address: 2 COURT SQUARE, LIC 1101

I represent: GANGS Coalition

Address: N/A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: 12/16/2024

(PLEASE PRINT)

Name: SAMY FELIZ

Address: _____

I represent: Justice Committee & Conditions for police

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Jacqueline Gossigian

Address: _____

I represent: Brooklyn Defender Services /

Address: 17 Livingston St Gangs Coalition

Brooklyn, NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Case

Address: 475 Riverside Pk

I represent: Lafno Supte

Address: 475 Riverside

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alan Abraham / Community United to Block

Address: 520 8th Ave

I represent: CPR

Address: 520 8th Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/16/21

(PLEASE PRINT)

Name: Michael Sisitzy

Address: _____

I represent: NYCCU

Address: 125 Broad St

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Samah Sisay

Address: 636 Broadway New York 10012

I represent: Center for Constitutional Rights + CTR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Keziah Cornish

Address: [Redacted] Brooklyn

I represent: VOCAL-NY and Communities United for Police Reform

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Anya Weinstock

Address: [Redacted]

I represent: Surveillance Technology Oversight Project

Address: 40 Rector St

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Karina Tefft

Address: 49 Thomas St, 10th Fl, New York NY

I represent: The Legal Aid Society

Address: see above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marquins Jenkins

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kimberly Saltz

Address: 211 east 013th Street New York, NY

I represent: Legal Defense Fund

Address: _____

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