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

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

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

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

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

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

First, we know based on the NYPD's Office of Inspector General's report (hereinafter OIG Report), that the database that Chief Shea claimed was about "precision policing" was based on entirely lawful conduct, incredibly broad criteria, and that, even with these broad criteria the NYPD lacked sufficient support for many of the 16,141 active entries in the database as for December 2020.[2]

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

[1] Testimony of Chief Dermot Shea before the New York City Council, Committee on Public Safety, June 13, 2018. Testimony available at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3506401&GUID=43D779AF-FAC6-4122-9886-87F19EAE5CC6&Options=&Search=.
[2] NYC-DOI Office of the Inspector General for the NYPD (OIG-NYPD)*An Investigation into the NYPD's Criminal Group Database*, at 33 (April 2023)(hereinafter, the OIG Report). https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf
[3] See Exh. A for criteria and OIG conclusions regarding lack of documentation.

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

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

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

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

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

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

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

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

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[4] Id. at 31.

[5] Id. at 30.

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

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

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

The Database is 99% People of Color

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

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

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

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

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

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

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

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

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

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

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

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

Additional Illegality

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

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

III. Gang Database, Aggressive Arrests, and Harassment

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

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

How do we know that?

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

Twenty plus arrests is very strong evidence of harassment. This is consistent with what the young people in our coalition report. They are hunted.
The DD5s we FOILed from the OIG (totallying 100), confirmed this harassment. 45 of the 100 DD5s had one or more sealed arrests. Some had as many 8 sealed arrests. This means the arrests were dropped.

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

[10] Id. at 31.
[11] Id. at 30.

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

IV. Gang Database and Investigative Police Encounters

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

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

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

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

- Reported stops are increasing substantially[12]
- Self-initiated stops are increasing from 19% to 46% from 2020 - 2023[13]
- Unconstitutional stops are increasing[14]
- Unconstitutional frisks increased by over 50% from 2021 to 2022[15]
- Unconstitutional searches increased by almost 50% from 2021 to 2022[16]
- The NYPD is mis-characterizing stops as lower level investigatory encounters[17]
- The NYPD is not reporting nearly 1 of 3 stops[18]
- 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 stops[19]
- Housing Bureau stops are less compliant than patrol stops[20]

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

[13] Id. at 9.

[14] Id. at 3.

[15] Id.

[16] Id.

[17] Id. at 19

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

[19] Id at 3 -4.

[20] Id. at 4.

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

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

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

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

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

V. Immigrants Face Great and Imminent Peril

[21] James Yates, Report to the Court on Police Misconduct and Discipline (Sept. 19, 2024) available at https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf
[22] Id. at 6
[23] *See* TERENCE P. THORNBERRY ET AL., GANGS AND DELINQUENCY IN DEVELOPMENTAL PERSPECTIVE 38, 41 (2003) (discussing a study of 1000 Rochester youth from the age of 13 to 17.5, about 31% reported belonging to a gang at some point but only 1.6% of the sample remained in gangs at the age of 18 and this number did not increase through the rest of the study to age 22). *See also*, IRVING A. SPERGEL, THE YOUTH GANG PROBLEM 104 (1995) ("Most studies suggest that gang members simply 'mature-out'").
[24] Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Strategies and the Need for Effective Public Safety Strategies*, A JUSTICE POLICY INSTITUTE REPORT (July 2007), available at https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/07-07_exs_gangwars_gc-ps-ac-jj.pdf

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

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

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

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

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

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

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

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

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

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

or charges since a state of emergency was declared by Bukele in 2022.[30] This, terrifyingly, is a very real possibility for our citizens in the near future.[31]

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

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

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

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

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

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

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

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

[32] OIG Report at 36.

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

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

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

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

VIII. There is no meaningful review of the gang database

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

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

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

[34] Mark P. Smith, Inspector General, Review of Gang Enforcement Detail Stops, Feb. 5, 2019 available at http://www.lapdpolicecom.lacity.org/020519/BPC_19-0044.pdf .
[35] Faiza Patel & Ivey Dyson, *The NYPD's Inspector General Needs Shoring Up,* The Brennan Center, May 10 2023. Available at: https://www.brennancenter.org/our-work/analysis-opinion/nypd-inspector-general-needs-shoring

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

IX. Conclusion

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

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

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

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

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

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

[36] *Lanzetta v. New Jersey*, 306 U.S. 451 (1939)(holding that a statute that criminalized being a gang member was void for vagueness).
[37] Sandhya Kajeepeta, *What Happens When You Erase a Gang Database*, Dec. 2024 https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/

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

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

NYPD Gang Database Criteria

Option A (only need one)

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

Or

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

Option B (must have at least two)

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

Office of Inspector General finding for each criteria

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

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

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