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Oversight Hearing on The Effects of Social Media and Screen Time on Youth Mental Health

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My name is Talia Kamran and I am a Staff Attorney in the Seizure and Surveillance Defense Project at Brooklyn Defender Services. Brooklyn Defender Services (BDS) is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation, and other serious legal harms by the government. We thank the Committee Chairs for holding today's hearing on the pressing issue of youth mental health and wellbeing. For 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services to Queens. We represent close to 40,000 people each year who are accused of a crime, facing the removal of their children, or deportation. Our staff consists of 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 educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

As public defenders who represent youth in criminal and family court, as well as in immigration, education and other civil legal matters, we understand the importance of protecting youth and investing in programs and resources that support their mental health and wellbeing. Many of the young people we represent first become involved in the criminal legal system due to poverty, lack of access to employment and education. The city has invested in expanding access to afterschool programs, job training and mental health support. These programs, many which are operated by community-based organizations funded through the Department of Youth and Community Development (DYCD), help alleviate these conditions and act as alternatives to incarceration, as they prevent young people at risk of system involvement from encountering the system in the first place. Many people we serve are only able to gain access to community-based programs after their contact with the criminal legal system and are often eager to take advantage of any resources that we can connect them with. Legislation currently before the City Council,

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Int. 660, threatens to harm the critical relationship these programs play in the lives of the youth participants.

Through our representation of adults and youth in criminal and family courts, and parents involved with the family policing system, we see firsthand how surveillance-based approaches to community safety harm the people they claim to protect. The Department of Youth and Community Development (DYCD) does meaningful work to address youth mental health and to provide young people with access to opportunity, and that work deserves the Council's continued support and investment. It is precisely because we value those programs that we strongly oppose Introduction 660 (2026). Placing a surveillance mandate in front of programs designed to improve youth wellbeing does not make young people safer, it makes those programs less effective and creates yet another pipeline from city services into the criminal legal system.

Introduction 660 Would Create a Shadow Gang Database Inside DYCD

The NYPD already operates a vast and expensive social media surveillance apparatus. Its dedicated Social Media Research and Analytics Team (SMART) monitors at least 11 social networking platforms including Instagram, Snapchat, Facebook, Twitter, YouTube, and even Xbox and PlayStation chat rooms, tracking hashtags, mapping social networks, and using that information to add people to the Criminal Group Database, commonly known as the gang database.¹ Officers are permitted to create fake profiles impersonating teenagers in order to gain access to private posts and connections, and social media monitoring software gives the NYPD tools for real-time geographic tracking, influence mapping, and archiving of posts, generating detailed digital dossiers on young people who have committed no crime.² The NYPD has spent over \$3 billion on surveillance technology in just over a decade, and that investment has produced no demonstrable reduction in violence.³

What it has produced is thousands of gang database entries — nearly all of them Black and Latino New Yorkers, some as young as 11 — based on criteria so broad and vague that they sweep in ordinary youth behavior.⁴ Inclusion in the database does not require a criminal conviction, an arrest, or even reasonable suspicion of criminal activity. Instead, people are

¹ Ananya Roy et al., *All Eyes on Us* (Ctr. for Court Innovation Youth Justice Bd. 2020), <https://www.courtinnovation.org/yjb> [hereinafter *All Eyes on Us*]. see also N.Y.C. Police Dep't, Social Network Analysis Tools: Impact and Use Policy (Feb. 4, 2026)

² Ángel Díaz, *We're Suing the NYPD to Uncover Its Online Surveillance Practices*, Brennan Ctr. for Just. (Feb. 3, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/were-suing-nypd-uncover-its-online-surveillance-practices> (describing documents obtained through public records litigation revealing that NYPD officers are permitted to create fake online profiles to surveil individuals so long as a supervisor approves).

³ David Meyer, *NYPD Spent \$3 Billion on Surveillance, but Critics Say Details Are Vague Despite New Disclosure Law*, N.Y. Daily News (Nov. 13, 2022)

⁴ Thurgood Marshall Inst., NAACP Legal Def. Fund, *What Happens When You Erase a Gang Database?* (Dec. 13, 2024), <https://www.naacpldf.org/what-happens-when-you-erase-a-gang-database/>.

labeled as gang members based on arbitrary and unverified criteria such as wearing certain colors, being seen in certain areas, or associating with certain people, and using certain emojis or making certain posts on social media.⁵ Young Black and Latino New Yorkers, by virtue of living in overpoliced neighborhoods, already have their social media activity, phone contacts, physical movements, and family associations disproportionately represented in the NYPD's Domain Awareness System and gang database. That accumulated data is then used to justify the very stops, frisks, and interrogations that generate yet more database entries, creating a feedback loop that increases the likelihood of arrest, prosecution, and ultimately incarceration for young people.

What Introduction 660 proposes is to reproduce this logic inside DYCD. The bill would require DYCD providers to study and document altercations among program participants and identify their associated online activity — creating an institutional incentive to view young people not as participants deserving of support, but as sources of intelligence. There is no firewall between the information this bill would generate and law enforcement: the Commissioner is required to collaborate with the Director of the Mayor's Office for Neighborhood Safety and the Prevention of Gun Violence, and the data produced could flow directly into NYPD systems, adding yet another stream of information on young people who are already disproportionately surveilled.

Once a person is designated as a gang member by the NYPD, they have no means to challenge that label in court or elsewhere. Prosecutors raise gang affiliation on the record, solely based on a person's inclusion in the database, to justify harsher bail applications, stringent plea negotiations, and longer sentences. Even after sentencing, gang designations follow people into jails and prisons, barring them from rehabilitative programs that could aid in reentry and reducing recidivism. Incarcerated people labeled as gang members are often denied educational or vocational opportunities and can face harsher parole determinations. Introduction 660 would expand this system's reach into DYCD. Rather than reproducing a failed surveillance model, the Council should be investing in community violence interruption programs like Cure Violence, credible messenger initiatives, mental health resources, and school-based supports that actually address the root causes of youth conflict.

The Bill Is Unconstitutionally Vague and Creates Serious Privacy Risks

The operative trigger in Introduction 660 — “verbal or physical altercation” — is not defined, leaving a vague, overbroad standard for DYCD providers to interpret. Just as the gang database's overbroad criteria referencing clothing, colors, hand signs, and associations has been applied in a racially discriminatory manner that sweeps in ordinary cultural expression by young people of color, an undefined “verbal altercation” standard will inevitably be applied inconsistently and discriminatorily. The determination of what rises to the level of a reportable altercation, and whose online activity is deemed “relevant,” will be left entirely to individual program staff

⁵ *All Eyes on Us*, *supra* note 1, at 10–13; K. Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 *Univ. Denver Crim. L. Rev.* 1, 16 (2015).

exercising unconstrained discretion. While young people with access to well-resourced schools and private programs can have conflicts de-escalated through trusted adults and mental health professionals, young people from low-income backgrounds, who disproportionately rely on city-funded programming, will find that the same ordinary adolescent behavior is instead criminalized, referred to law enforcement, and used as a gateway into the criminal legal system.

To the extent DYCD programs operate in or alongside schools, documentation of student conduct and associated online activity implicates the Family Educational Rights and Privacy Act's protections for education records.⁶ Where programs connect young people to mental health services — as many do, because DYCD explicitly funds programs that provide mental health support, crisis intervention, and counseling — collection and reporting of behavioral information may conflict with the Health Insurance Portability and Accountability Act.⁷ Beyond the specific protections afforded by those statutes, there is a more fundamental problem: forcing young people to surrender their right to privacy as a condition of accessing city-funded resources and opportunities is itself a harm. Young people who need mental health support, job training, or after-school programming should not have to accept surveillance as the price of admission. Directing program managers to surveil, document, and report on participant behavior under such vague statutory guidance, with only a general admonition to comply with applicable law, is an invitation to privacy violations, unauthorized disclosure of sensitive personal data, and the erosion of the trust that makes these programs work in the first place.

Conclusion

DYCD-funded programs work because they are built on trusted relationships with adults who are not law enforcement, not reporting to law enforcement, and not cataloging participant behavior. That trust is the mechanism through which intervention, counseling, and support actually reach young people. The moment a young person understands that their program is tracking their online activity and documenting altercations for government review, that trust is gone. They will not confide in counselors, seek help when they are in danger, or join programs at all. DYCD's own mission is to alleviate the effects of poverty and provide opportunities for young New Yorkers to reach their full potential.⁸ Subjecting program participants to social media surveillance betrays that purpose.

Young people have recognized the outsized role social media plays in their lives and relationships, the effect it can have on conflict, and — critically — the ways in which social media monitoring can lead to consequences they could never have anticipated, including police surveillance, gang database entry, and criminal legal system contact. They have asked for help

⁶ Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; 34 C.F.R.

⁷ Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (codified as amended in scattered sections of 42 U.S.C.).

⁸ N.Y.C. Dep't of Youth & Cmty. Dev., *About DYCD*, <https://www.nyc.gov/site/dycd/about/about-dycd/about-dycd.page>.



navigating the digital world, not for more surveillance of it. Here in New York City, the Youth Justice Board of the Center for Court Innovation dedicated an entire report, *All Eyes on Us*⁹, to exactly these questions, and shared their recommendations: a Youth Bill of Rights that protects their digital privacy, education about their rights and responsibilities online, and investment in mental health support and economic opportunity. Critically, within these recommendations young people also called for the abolition of the Criminal Group Database and any successor database. BDS echoes this recommendation and calls on the Council to pass Introduction 460, a bill that would abolish the NYPD gang database. We must make progress to move away from surveillance, which drives incarceration and cycles of community instability, and toward genuine investment in the health, safety, and opportunities available to young people.

Thank you for the opportunity to testify today. If you have any questions, please do not hesitate to contact Jackie Gosdigian, Senior Supervising Policy Counsel, at jgosdigian@bds.org.

⁹ *Id. supra* n. 5.