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My name is Gina Mitchell and I am the Attorney-in-Charge of Law Reform and Policy at Brooklyn Defender Services (BDS). We are 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. I want to thank the Committee on Public Safety and Chair Feliz for inviting us to testify today.

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.

Background

Over the past four years, New York City has experienced decreasing rates of crime.¹ This is due in large part due to the investments and priorities of this Council in community resources and services. Strong, resourced communities are best able to address the root causes of inequity, conflict, and violence. Reliance on policing, surveillance, and incarceration creates a revolving door into the legal system, further destabilizing communities. Investments in education, housing,

¹Paul Reeping. The State of Crime in New York City, Midyear 2026: The Detailed Picture. Vital City. (August 25, 2026). <https://www.vitalcitynyc.org/nyc-crime-midyear-2026-felony-assaults-rape-murder/>

and employment are critical components to the city's public safety plan. This Council's meaningful investment in local communities has reduced violence and helped create a safer city.

Despite the fact that NYPD continues to applaud its successes in reducing crime rates in New York City, the Council must not ignore NYPD's unconstitutional policing practices and stop-and-frisk abuses. The NYPD has built a web of special response teams, task forces, and surveillance technology in order to justify a return to the level of unlawful police-citizen encounters endemic to broken windows policing. Many of the people that we represent live in heavily policed and highly surveilled communities. Low-income Black and brown communities bear the brunt of NYPD's privacy-destroying and harassing behavior, including through the wrongful seizure of their personal belongings, DNA profiles, social networks, and biometric information which is then deposited into unregulated law enforcement databases like the gang database. This allows the police to gaze through cameras, and access data from sensors, microphones, and digital scraping tools, funneling them through mass-aggregating databases like the Domain Awareness System (DAS). The more the NYPD trains its surveillance technologies to focus on communities of color, the more "evidence" it generates to rationalize further surveillance in those same neighborhoods.

The NYPD has spent more than \$1 billion in military-grade surveillance resources, primarily in Black, brown, immigrant, and low-income communities.² This mass collection of data from low-income communities of color is used to justify increased police presence in these neighborhoods. Transparency in NYPD's use of surveillance technology is necessary for the city to have meaningful oversight of the department's use of this technical justification for broken windows policing, especially when the technology fails to contribute to public safety.

For example, the NYPD spends millions annually on ShotSpotter, a gunshot detection technology. 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.³ Further, Brooklyn Defender Services' own report analyzes nine years of the 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.⁴ ShotSpotter's lack of accuracy is not only a potential drain on resources; since ShotSpotter alerts frequently lead to stops based on alerts we

² Ali Watkins, How the N.Y.P.D. is using Post-9/11 Tools on Everyday New Yorkers, NYTimes (Sept. 8, 2021)

³ 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/>.

⁴ 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>

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.

The NYPD's Criminal Group Database, commonly called the Gang Database, is another striking example of data collection leading to harm. Oversight bodies, such as NYPD's Office of the Inspector General, researchers, and community members have long documented that the database overwhelmingly targets Black and Latine youth. The criteria used to justify placement in the database, such as alleged "self-admission" pulled from social media or proximity to others similarly labeled, are unscientific, pretextual, and racially coded. Inclusion in the database does not require a criminal conviction, an arrest, or even reasonable suspicion of criminal activity. Many people included have never been convicted of a crime, and others remain in the database long after any alleged conduct. Despite the high level of inaccuracy and discrimination inherent in the database, the consequences of inclusion are immense, particularly for immigrants. The New York City Department of Investigation report from 2025 entitled *DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement*⁵ found that the NYPD shared gang database information with Homeland Security Investigations through a gang task force, effectively treating the NYPD's "gang" label as a justification to sidestep sanctuary laws. In other words, a racially biased and error-prone database became a vehicle for exposing New Yorkers to federal immigration enforcement. While the NYPD has suggested it will "review" access to its systems, limiting access to a flawed database does not solve the underlying problem. The existence of the database itself creates an unjustifiable risk. We have already seen how false gang allegations are used to justify immigration detention and deportation. The city cannot credibly claim it is upholding sanctuary protections while it allows the NYPD to amass inaccurate data about its residents.

The Big Apple Connect ("BAC") Wi-Fi program is yet another example of NYPD expanded surveillance in low-income communities of color. BAC is a free internet and cable program for public housing residents. This Wi-Fi program, however, was being leveraged to expand the NYPD's live CCTV network, so that NYPD would be able to surveil and reconstruct the daily movements of hundreds of thousands of NYCHA residents. NYCHA houses more than 528,000 New Yorkers of whom approximately 44 percent identify as Black and 42 percent identify as Hispanic or Latino.⁶ Against this backdrop, it is clear that concentrating thousands of cameras in NYCHA developments will, by definition, disproportionately target people of color, magnifying the already staggering rates of harassment, suspicionless questioning, and stop-and-frisk practices that NYCHA residents already face. The effect is to transform stop-and-frisk into its

⁵ NYC DOI. *DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement*, December 2024,

<https://www.nyc.gov/assets/doi/reports/pdf/2025/49NYPD.SancLawsRelease.Rpt.12.03.2025.pdf>

⁶ N.Y.C. Housing Authority, *Resident Data Summary 2023* (2024),

<https://www.nyc.gov/assets/nycha/downloads/pdf/Resident-Data-Book-Summary.pdf>

digital equivalent, embedding racialized surveillance directly into the homes of New Yorkers of color.

The current level of stop-and-frisk abuses combined with a web of NYPD special response teams, task forces, and use of surveillance technology represents a covert return to the broken-windows policing. 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.

Recommendations

In addition to reining in the use of digital stop-and-frisk, we urge the City Council to consider the following recommendations in working toward increasing true public safety. In response to the surge of deaths of New Yorkers held in NYPD custody, together with our public defender colleagues across the city, we issued a Ten-Point Plan designed to address this crisis.⁷ We encourage the Council to consider the suggestions in this plan, as well as those listed below.

1. End broken windows policing

The NYPD continues to police poverty and untreated behavioral health needs through its “Q-Teams” across the city,⁸ undermining both safety and public health. People who need medical or mental health care, housing, or access to food are being arrested on low-level charges and deteriorating as they await arraignment. New Yorkers in crisis are far too often met with legal system involvement, when they should have been met with care. The Council should continue to invest in and build upon the Progressive Caucus’s Crisis to Care platform,⁹ to prioritize services and compassionate public health solutions, not criminal and family court involvement. This plan will make great strides to build up NYC’s mental health infrastructure to ensure people get the treatment, housing, and programs they need.

We call on the City Council to immediately use your oversight power to question NYPD Commissioner Tisch as to her ramping up of quality of life policing¹⁰ efforts and require her to justify these low-level arrests, which in the past six months have resulted in the unnecessary deaths of New Yorkers in NYPD custody.

⁷ See the full Ten-Point Plan here <https://bds.org/assets/files/ff2d7a1e-31fc-415a-b61a-6d270432e49e.pdf>

⁸ Jacob Kaye, *NYPD’s quality-of-life units hit Queens’ streets* (Aug. 13, 2025), <https://queenseagle.com/all/2025/8/13/nypds-quality-of-life-units-hit-queens-streets>.

⁹ New York City Council Progressive Caucus, *Crisis to Care* (n.d.), <https://nycprogressives.com/crisis-to-care/>

¹⁰ Office of the Mayor, Mayor Adams and NYPD Commissioner Tisch Expand Quality of Life Teams Across All of Queens Following Successful Pilot Launch (Aug. 11, 2025), <https://www.nyc.gov/mayors-office/news/2025/08/mayor-adams-and-nypd-commissioner-tisch-expand-quality-of-life-t0>; NYS Governor’s Press Office, Safer Streets: Governor Hochul and Police Commissioner Tisch Highlight Record-breaking Crime Reduction in Public Housing Developments Across New York City (Aug. 18, 2026), <https://www.governor.ny.gov/news/safer-streets-governor-hochul-and-police-commissioner-tisch-highlight-record-breaking-crime>

2. Demand NYPD cease the illegal in-custody arrests of low-level offenses

We call on the City Council to question the NYPD on their overuse of in-custody arrest rather than issuing appearance tickets for low-level offenses as required by law. NYPD routinely violates Criminal Procedure Law (CPL) § 150.20, which requires them (with limited exceptions) to issue appearance tickets in lieu of arresting individuals charged with violations, infractions, misdemeanors, and certain class E felonies. Custodial arrests for low-level charges are on the rise, are illegal and unwarranted, and contribute to people with medical conditions and mental health issues entering precincts and jails in which NYPD is not equipped to provide needed medical attention. At least 5 New Yorkers have died in NYPD custody in 2026.

3. Conduct inspections of NYPD central booking

We call on City Council members to use your oversight powers to visit NYPD Central Booking locations to experience firsthand the squalid and unsafe conditions that New Yorkers are detained in 24 hours a day and witness the lack of coordination between medical staff in central booking and NYPD's management of requests for medical attention.

4. Increase funding for organizations using the Cure Violence model

BDS appreciates this Council and Mayor Mamdani's support of a public health-focused approach to reducing gun violence. The Crisis Management System serves to prevent violence through the use of trusted, credible messengers. Instead of investing in surveillance, we need greater investment in permanent and supportive housing, education, and medical and mental health care.

In 2012, New York City launched the Cure Violence initiative, and the program has come a long way, including the implementation of the Crisis Management System. However, gang violence prevention and intervention efforts are still underutilized and underfunded. At its most effective, Cure Violence programs leverage the experiences of young men of color, many of whom are former members of gangs, to act as "credible messengers" of an anti-violence message and "violence interrupters" to prevent and reduce gun and gang violence. Community-based organizations working under the Cure Violence model employ violence interrupters and outreach workers from the community who have themselves experienced violence and also have strong relationships with young adults, community leaders, and service providers. Violence interrupters stop conflicts before they happen, and outreach workers redirect the highest-risk youth away from life on the streets and the criminal system. All of this is done by unarmed community members, who value every person's right to security and protection from harm.

In 2020, the Center for Justice Innovation released a groundbreaking report titled "Gotta Make Your Own Heaven," detailing the experiences of 330 young New Yorkers with guns, violence,

safety, and the police.¹¹ This remarkable study provides a unique, firsthand perspective into the lives of young people and the challenges they face in NYC. Strikingly, the hundreds of young people interviewed consistently identified threats from police as a reason to carry a gun or seek protection within a gang. They identified “violent victimization by police,” “police harassment for small infractions but lack of responsiveness for serious crime,” and “fear of being shot by a police officer” as major contributors to lack of their neighborhood’s safety. Most of the young people interviewed described “an overall sense that the police were a negative force in their communities” and “sens[ed] a lack of care for people in the community.” They also drew a direct connection between the way they were treated as “less than human” and their race.

City Council should consider reallocating more resources away from punitive responses to alleged gang membership toward interventions that have proven effective in reducing violence and other unlawful activity. Specifically, we advocate for an increase in funding for community centers, high-quality and engaging programming, and organizations using the cure violence model. The city should also shift resources toward providing the support that individuals, families, and communities need to thrive. This strategy should focus on the root causes of social marginalization and any violent or otherwise problematic behavior.

Conclusion

BDS is grateful to the Committee on Public Safety for the opportunity to discuss policing and community safety. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact our clients. If you have any questions, please feel free to reach out to me at gmitchell@bds.org.

¹¹ The Center for Court Innovation, “Gotta Make Your Own Heaven: Guns, Safety, and the Edge of Adulthood in New York City,” available at: https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf