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TESTIMONY OF

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Presented before

The New York City Council

Committee on Public Safety -

Public Hearing on Introduction 798, Abolishing the Gang Database and Prohibiting the

Establishment of a Successor Database

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My name is Talia Kamran and I am a Staff Attorney and Equal Justice Works Fellow in the Seizure and Surveillance Defense Project at Brooklyn Defender Services. Brooklyn Defenders 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. I thank the Committee on Public Safety, Chair Yusef Salaam, and bill sponsor Council Member Althea Stevens for the opportunity to address the Council about public safety and the harms of the NYPD gang database.

For nearly 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. 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.

DEFEND • ADVOCATE • CHANGE

Brooklyn Defender Services strongly urges the City Council to pass Introduction 798 to permanently abolish the NYPD's Gang Database. Since its creation, this database has been a tool of mass surveillance and racialized policing that disproportionately targets Black and Latine youth, criminalizes association rather than conduct, and operates without transparency, accountability, or due process. It has failed to enhance public safety and instead facilitates unconstitutional policing practices that harm the very communities the NYPD claims to protect.

The NYPD Gang Database is Fundamentally a Tool of Racialized Surveillance

The NYPD's gang database is part of the technological evolution of broken windows policing—transforming a regime of racially disproportionate street stops into one of racially disproportionate data collection. Where officers once relied on physical stops and interrogations, they now use surveillance technology, secretive databases, and digital monitoring to track and criminalize Black and Latine youth. This shift does not make policing less discriminatory or less harmful; it simply makes it harder to challenge. The gang database extends and deepens the NYPD's long-standing patterns of racialized policing, embedding them into data systems that follow young people indefinitely, regardless of whether they have ever committed a crime.

In particular, the NYPD's Criminal Group Database functions as a modern extension of unconstitutional stop-and-frisk tactics, disproportionately targeting Black and Latine communities. 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 in *Floyd v. City of New York* ruled that the use of racial profiling as probable cause was unconstitutional, while stops based on reasonable suspicion of criminal activity remained legally permissible. Since then, reported stop-and-frisks have declined, but the NYPD has instead expanded its anti-gang policing, particularly through social media monitoring and the gang database.¹ 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. Of those, 48% were Black and 44% were Latino, while only 1% were white.² Subsequent FOIL responses 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, some as young as 13. The NYPD's Gang Division had already doubled in size shortly after class certification in *Floyd*. The NYPD claims it has worked to end racially biased stop-and-frisk, but in reality, it has simply renamed the

¹ K. 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

² 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.

practice and made it even more invasive by linking it to covert surveillance technology in the form of the database.

Attorneys in our office routinely report that their youth clients face harassment and unconstitutional stop-and-frisk as a result of their inclusion in the database, with some young people reporting that they have experienced harassment by the NYPD since they were 11 years old. The impact of gang-related street policing extends beyond the harm of stop-and-frisk; officers often arrest young boys of color for minor offenses to collect intelligence for the gang database. Many of our clients have been detained for offenses like disorderly conduct—typically a violation that warrants a desk appearance ticket—only to face lengthy interrogations and phone seizures aimed at extracting data for the gang database. After being arrested for these minor offenses, they are often interrogated for hours without a parent or lawyer present. During these interrogations, NYPD officers routinely manipulate these frightened young people into unlocking their phones by claiming they need to contact their parents. Instead, once the phone is unlocked, officers keep it and extract its data—downloading information not just about the individual but also about their friends and contacts to expand the gang database. These minor arrests are not about addressing crime; they are about collecting as much information as possible from vulnerable youth to justify and perpetuate surveillance-driven policing.

The harms of the gang database are not theoretical—they are borne by real young people whose lives are shaped by relentless police surveillance and harassment. The transition from widespread stop-and-frisk to expansive data policing has not reduced racial disparities; it has only made them more insidious. Our clients experience persistent police scrutiny, unjustified stops, and coercive interrogations simply because they live in over-policed communities. The gang database also causes Black and Latine immigrants to be more susceptible to immigration detention and deportation based on little more than where they live and who they are friends with; this risk of separation from their families and communities is particularly acute after the recent designation of certain gangs as terrorist organizations.³ Moreover, young asylum seekers who are fleeing violence from gangs in their home countries are often themselves erroneously labeled as gang members.⁴ Through the gang database, the NYPD has taken the worst elements of racial profiling and rebranded them as intelligence gathering. This is not a move toward justice but a deepening of surveillance-based policing that treats Black and Latine youth as suspects before they even have a chance to grow up.

³ [Terrorist Designations of International Cartels - United States Department of State, https://www.state.gov/terrorist-designations-of-international-cartels/](https://www.state.gov/terrorist-designations-of-international-cartels/).

⁴ See Jonathan Blitzer, “How Gang Victims Are Labeled As Gang Suspects,” *The New Yorker*, January 23, 2018, <https://www.newyorker.com/news/news-desk/how-gang-victims-are-labelled-as-gang-suspects>.

The Gang Database Violates Due Process and Drives Prejudice in Court, Fueling Racialized Mass Incarceration

Inclusion in the database does not require a criminal conviction, an arrest, or even reasonable suspicion of criminal activity. Instead, people—including children—are 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. This overbroad categorization funnels young people into the criminal legal system

Once a person is designated as a gang member by the NYPD, they have no means to challenge that label in court or elsewhere. Even if their charges are dismissed or they complete a sentence, their name remains in the database, leaving them vulnerable to continued police scrutiny and abuse. Unlike unlawful stops and searches, which can sometimes be challenged in court, gang designations offer no pathway for removal, making them a tool of unchecked policing with no oversight.

Prosecutors will often raise the question of gang affiliation on the record, solely based on a person's inclusion in the database. This tactic is used to justify harsher legal outcomes, influencing bail applications, plea negotiations, and sentencing. 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.

Many clients explain that they are not gang-affiliated, but the arbitrary criteria for inclusion in the database, such as where they live or who they associate with, unfairly subjects them to prejudice. Young clients often engage in cultural expressions—such as making hand signs or referencing songs on social media—that have no bearing on actual gang affiliation. Yet prosecutors and law enforcement treat these activities as definitive proof of gang membership, entrenching systemic bias in the legal process.

Further, even if an individual is affiliated with a gang, being affiliated is not in and of itself criminal activity. The mere association with a group does not equate to engaging in illegal conduct, and criminalizing gang affiliation undermines fundamental principles of due process and individual rights. Sentencing enhancements based solely on gang affiliation have been struck down in many jurisdictions due to their disproportionate impact on communities of color. These laws have been found to perpetuate racial disparities, contributing to what has been described as the 'New Jim Crow'—the systemic and unjust mass incarceration of Black people in the United States. As we recognize the harm caused by such practices, it is crucial to end the use of gang databases that disproportionately target and penalize people based on their association, rather than their actions.

The gang database is not just a flawed policing tool—it is a driver of racially disproportionate mass incarceration. It operates as a self-fulfilling cycle: by labeling young people of color as gang members without due process, it pushes them into the legal system, subjects them to harsher prosecution and sentencing, and ensures their continued surveillance and exclusion from rehabilitative pathways even after incarceration. The gang database must be abolished as part of addressing the harms of racialized mass incarceration.

The City Must Invest in Violence Interrupter Programs, Community Resources, and Post-Arrest Programming, Not Surveillance

For decades, New York City has relied on a policing model that surveils people and then funnels them into the revolving door of incarceration. The gang database is an extension of this failed approach, one that has not worked and will not work better simply because it has been digitized. True safety does not come from criminalizing young people or stockpiling data on their lives—it comes from investing in their well-being. We must radically shift our priorities away from surveillance-driven policing and towards sustainable solutions that strengthen community ties, provide real opportunities, and give young people resources, hope, and dignity.

The NYPD has already spent over \$3 billion in funding for surveillance technology in just over a decade, yet this investment has failed to prevent violence or promote safety.⁵ Instead of criminalizing young people through flawed databases, the city should redirect resources toward violence interruption programs such as Cure Violence and credible messenger initiatives, which have successfully reduced violence without criminalization. The city must also expand access to after-school programs, job training, mental health support, and conflict mediation to provide real alternatives to gang involvement. Additionally, post-arrest diversion programs must be prioritized so that young people are not funneled into the criminal system but instead receive effective alternatives to incarceration that provide support, not surveillance.

We urge the city to invest in solutions to violence that do not involve funding a dangerous police force that has repeatedly demonstrated disinterest and even aggressive antipathy towards the wellbeing of those same communities.

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

⁵ 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), <https://www.nydailynews.com/2022/11/13/nypd-spent-3-billion-on-surveillance-but-critics-say-details-are-vague-despite-new-disclosure-law/>.

and the police.⁶ 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.

It is time for this city to acknowledge the roots of this problem and how poverty and access to employment, education and adequate health care exacerbate these issues, and stop rebranding and putting forth failed policies.

- ***Reallocate funding towards Violence Interrupter programs and community resources***

City Council should consider reallocating 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.

In 2012, the city launched a Cure Violence initiative, but prevention and intervention efforts that could be effectively implemented to curtail gang violence are underutilized and underfunded. While certain programs that are used may reinforce marginalization through partnerships with the NYPD, others have proven to be successful in strengthening community-based safety and security. At its most effective, the strategy leverages the experiences of young men of color, many of whom are former gang members, 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.⁷ 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.

⁶ 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

⁷ <https://bds.org/latest/bds-testifies-before-the-nyc-council-on-nypds-gang-takedown-efforts>

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The city should also shift resources away from policing alleged gang or crew members and 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.

- *Reallocate funding for post-arrest programming*

There has been quite a bit of discussion in New York City around different approaches to preventing gun violence. There is a real lack of programming for young New Yorkers facing charges of alleged gun possession. In Brooklyn, there are two main alternative to incarceration (ATI) programs being used: Youth and Congregations in Partnership (YCP) and Project Redirect. Both are run by the Brooklyn District Attorney's (DA) office, require upfront guilty pleas with severe suspended sentences, and allow for defendants to get their cases dismissed and sealed upon completion. There are other programs available, but ATI programming requires consent of the prosecutor in most cases, and the ability to resolve gun possession cases with community based ATI programming is rare. YCP is the preferable option for our clients, as it is less onerous. This program requires young people to participate in weekly meetings with DA staff, attend school or work, and abide by a curfew for a year. However, in our experience, adolescents who are alleged to be gang members are never offered this program, and instead are pushed to Project Redirect.

Project Redirect is a deeply problematic program whose secrecy rivals that of the gang database. Much of what we know about it is reported by clients who have participated, as defense attorneys are generally prohibited from accompanying them in discussions about the program with their prosecutors, with the occasional exception of a preliminary briefing. It appears to be geared toward turning our young clients into informants on their friends and neighbors, and mostly sets its participants up for failure. In our experience, it is nearly impossible to successfully complete this program. Many "fail" for refusing to debrief. Others "fail" after being arrested for minor infractions in their over-policed communities. They are then sentenced to their "jail alternative," namely several years in upstate prisons.

If the goal is truly to reduce violence and improve public safety, then the solution is not more surveillance, more databases, or more punitive measures masquerading as interventions. The gang database has never been about preventing harm—it is about control. It is about embedding young people, especially Black and Latine youth, into a system that criminalizes them before they have a chance to thrive. The idea that we can continue surveilling people until they make a mistake and then punish them into submission has failed, over and over again. Instead of pouring resources into tools that deepen policing's grip on marginalized communities, we must invest in real, holistic, non-punitive solutions.

Conclusion

The societal harm of a majority-Black and Latine criminal group database that fuels stop-and-frisk, racially biased arrests, and mass incarceration cannot be overstated. The repeated encounters with law enforcement driven by the database send a clear message to young people in certain neighborhoods: that they are viewed not as children with potential, but as future criminals. The experience of being persistently stopped, questioned, and frisked by armed officers deeply impacts a child's self-esteem, sense of safety, and overall well-being. It is profoundly unjust that one segment of the youth population in this city— children of color —grow up under the constant eye of an armed police force that assumes their criminality before they even enter high school. This systemic surveillance and criminalization erodes trust in institutions, stigmatizes entire communities, and deprives young people of the opportunities and dignity they deserve.

Technology cannot be expected to transform discriminatory policing when it is designed, implemented, and wielded by a police force entrenched in racial bias. The gang database is a tool of unconstitutional stop-and-frisk and a reflection of a broader system of surveillance-driven policing that disproportionately harms Black and Latine communities. Tech-driven policing offers no promise of being less discriminatory than street-level racial profiling—it simply automates injustice. The solution is not to reform the database but to abolish it entirely and invest in real solutions that prioritize community well-being over criminalization.

We thank the Public Safety Committee for its commitment to addressing this issue. If you have any questions, please do not hesitate to contact Jackie Gosdigian, Senior Policy Counsel, at jgosdigan@bds.org.