

TESTIMONY OF:

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My name is Jacqueline Gosdigian and I am a Senior Supervising Policy Counsel at Brooklyn Defender Services (BDS). BDS provides comprehensive public defense services to thousands of people each year who are accused of a crime, facing the removal of their children, or challenging deportation. Many of the people that we represent live in heavily policed and surveilled communities and are regularly subjected to abusive behavior on the part of the New York Police Department (NYPD). I want to thank the Committee on Public Safety, particularly Chair Salaam, for holding this critical hearing about NYPD oversight and accountability, officer discipline and the Civilian Complaint Review Board.

For 29 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. In July 2025, Brooklyn Defenders assumed the criminal defense contract previously held by Queens Defenders. We are proud to now provide excellent legal services in both Brooklyn and Queens. 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.

Police Misconduct, Reporting, and Oversight

Appropriate NYPD officer conduct is dictated by the law, court orders, and the NYPD Patrol Guide. There are several mechanisms for the public to report police misconduct. New Yorkers who have experienced police misconduct can file complaints with the Civilian Complaint

Review Board (CCRB), which hears only a small fraction of the disciplinary matters involving NYPD officers. The vast majority of misconduct reviews are handled internally by units within the NYPD, including the Internal Affairs Bureau (IAB). In addition to the CCRB and the NYPD, misconduct complaints can be filed with independent agencies that have limited jurisdiction over police conduct, including the Commission on Human Rights (CHR), the Commission to Combat Police Corruption (CCPC), and the Office of the Inspector General for the NYPD (NYPD-OIG). Additionally, NYPD receives notice of officer misconduct through internal reporting from other officers or supervisors, quality-assurance audits, and court decisions. While civilians can bring complaints to multiple bodies, the NYPD Commissioner can, and regularly does, reject or downgrade CCRB *and* internal NYPD recommendations for officer misconduct.

Recently there has been a surge of NYPD in-custody deaths. As public defenders we are horrified that people arrested are at risk of dying in our city precincts and the Central Booking spaces in our courthouses. NYPD has not been held accountable for the lives lost and New York City must take concrete steps to address and oversee the crisis of deaths taking place in police custody, including when individuals are arrested and awaiting arraignment. Below are recommendations to address the lack of oversight and accountability of NYPD practices and policies related to police-citizen encounters, custodial detention and arrest, and the crisis of deaths in NYPD custody.

Recommendations:

1. Improve transparency, NYPD data collection, and City Council oversight

Police transparency is an essential measure for holding the NYPD, and other law enforcement agencies, accountable for the discriminatory and abusive policing practices they employ. Discriminatory and abusive policing practices make all New Yorkers less safe. Practices like stop and frisk, for example, disproportionately impact Black and brown New Yorkers, LGBTQIA+ New Yorkers, and New Yorkers experiencing homelessness. A Report to the US District Court on Police Misconduct and Discipline by Hon. James Yates, dated September 19, 2024 (“Discipline Report”) stressed that, while the NYPD does expand resources and effort to investigate “misconduct claims in general...the same cannot be said of disciplinary efforts regarding compliance with the Fourth and Fourteenth Amendments.”¹ The report went on to further point out that “[d]iscipline for illegal stops and frisks, even when substantiated by CCRB, is not pursued with the same vigor and resolve as for other misconduct.” What’s more, “[p]enalties for wrongdoing involving stops, questions, frisks, or searches of persons (‘SQFS’) even when repeated, are rare.”²

Public defenders usually become aware of police misconduct in connection with an encounter that results in an arrest, when 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 often go unreported and overlooked. That is why the How Many Stops Act (Local Law No. 43 of 2024), which went into effect January 20, 2024, is so critical. The law has already

¹ 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>

² *Id.* at 7

created greater transparency by requiring the NYPD to issue regular reports detailing information on three out of the four levels of police encounters between police and civilians (the framework established by the Court of Appeals in *People v. Debour* regulating police restriction on citizen freedom of movement), including the race/ethnicity, age, and gender of the civilian involved, the factors that led to the interaction, and whether the interaction led to a summons or use of force incident. The data obtained as a result of this law should be meaningfully reviewed by the Council in monitoring and regulating the actions of the NYPD. Unlawful police-citizen encounters and broken windows policing increases the risk of custodial arrest and the inability to access medical care in NYPD custody.

2. Recognize the crisis of in-custody deaths and end broken windows policing

The NYPD is increasingly policing poverty and untreated behavioral health needs through its launch of “Q-Teams” across the city.³ This undermines both safety and public health. Waitlists and backlogs to access social services that address the needs of people with mental health and substance use concerns, as well as the houselessness and food insecurity that are the underlying causes of many arrests, should be eliminated. As public defenders, we see people in crisis who 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 platform⁴, 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 policing 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.

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

We call on the City Council to question NYPD on their overuse of in-custody arrest rather than issuing appearance tickets for low-level offenses as required by law. At least nine New Yorkers have died in NYPD custody in 2025, three of them inside local courthouses waiting to be arraigned on low-level charges.⁵ 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.

³ 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>.

⁴ New York City Council Progressive Caucus, *Crisis to Care* (n.d.), <https://nycprogressives.com/crisis-to-care/>

⁵ Yoav Gonen and Reuven Blau, *Deaths in NYPD Custody Doubled in Recent Years* (Sept. 17, 2025), <https://www.thecity.nyc/2025/09/17/deaths-nypd-custody-doubled-2023-2024/>

Additionally, prosecutors' disparate handling of violation and misdemeanor complaints, combined with overly harsh emphasis on pre-arraignment detention rather than issuing appearance tickets as mandated by law (CPL 150.20), should be examined by the City Council. Many of these policies exacerbate NYPD's improper use of in-custody arrests and illegal stop and frisk practices, which can ultimately contribute to the deadly nature of pre-arraignment incarceration. The practice of denying appearance tickets on petit larceny cases because of a potential order of protection for allegations of theft alone should be examined and reformed. Prosecutors, in conjunction with the courts, should organize amnesty days so people can clear old bench warrants without fear, and prosecutors should dismiss outstanding summons part (SAP) warrants.

4. 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.

5. Create independent EMS staffing in courthouses

The city should staff independent EMS workers, whose authority does not stem from NYPD, in every arraignment court room and every court house, during all open hours, 9:00 am through 1:00 am. This should include emergency personnel on call for the entire courthouse, which would include incarcerated people on regular court appearances from Rikers Island and other City-controlled institutions that are not providing adequate medical care.

This placement of EMS workers would be in addition to the Enhanced Pre-Arraignment Screening Unit (EPASU) staff present in central bookings 24/7. Nurses in EPASU conduct pre-arraignment medical screenings, but they are dependent on the NYPD bringing the clients to them and their presence in central bookings has not been sufficient to prevent the deaths in NYPD custody in Central Booking this year. The City Council should expand the scope of medical personnel in EPASU units to include a duty of care to evaluate all people in custody and respond appropriately to emergent medical conditions, including self-requested, attorney requested, or officer observed.

We are critically concerned about the lack of transparency and communication after a request for medical assistance has been made by a person in NYPD custody or on their behalf by our staff. In practice, we see that the NYPD does not communicate with our staff—or court staff—in cases where EMS has been contacted, is on the way, or if a person in acute need of medical care. Attorneys and court staff do not know if the person in custody has been seen by an EPASU nurse in central booking and do not receive any information from NYPD if additional care is required. In recent instances, staff have seen ambulances ready and waiting outside the courthouses, should someone in NYPD custody need emergency medical attention, but have been told by NYPD that there is a lack of personnel available to escort the person to the hospital.

This “escort problem” should not relieve NYPD of their duty to provide medical treatment for those in their custody.

As an emergency stop-gap measure to address the city’s failure to care for New Yorkers in their custody, NYC defenders will create a form that memorializes our request to the NYPD for immediate medical attention. The defense attorney will sign and note the following: date and time of request to NYPD, name and badge number of the officer to whom request was made, as well as the officer overseeing the holding area. Copies will be given to the NYPD Sergeant on duty who should include the receipt of form in digital duty logs. NYPD should, as required by the Patrol Guide, keep records of these determinations and actions. This stop-gap emergency measure does not replace the city’s obligation to care for those it has taken into custody. We are happy to provide this information to the Council in furtherance of your oversight.

6. Engage in oversight on suicide prevention and mental health standards

Serious inquiry should be made into NYPD failure to implement measures to prevent death by suicide in its precincts. Inquiries must be made into whether NYPD is trained on, and in due course implementing, [mental health minimum standards](#). This inquiry should include investigation into whether established standards found in the patrol guide (PG210-04) for people NYPD has in custody who require immediate medical or psychiatric treatment are being ignored or are simply inadequate to prevent escalation of the crisis leading to death.

7. Strengthen the CCRB’s authority to recommend disciplinary actions

While civilians can bring complaints to multiple bodies, the NYPD Commissioner can, and regularly does, reject or downgrade CCRB *and* internal NYPD recommendations for officer misconduct. The NYPD Commissioner receives substantiated findings of misconduct via a referral from the CCRB or an internal department investigation.⁶ “All other recommendations for discipline are referred to, and left to, the discretion of the Police Commissioner, who may accept or reject a finding and who will then decide whether to impose a penalty, guidance, or neither.”⁷ This includes when an NYPD officer negotiates a plea with the NYPD Administrative Prosecution Unit (APU). One analysis of released CCRB data found 260 instances, between 2014 and 2018 alone, where the Commissioner overruled, downgraded, or dismissed cases where serious misconduct by police was substantiated by the CCRB and charges were recommended.⁸ In 2019, the rate of agreement between the CCRB and the NYPD commissioner was 51% for most cases. In more serious cases of alleged misconduct, it was less than 32%. A New York Times investigation found that as of November 2020, former Police Commissioner Shae had imposed the CCRB’s recommended penalty in 2 out of 28 cases in which charges were brought.⁹

⁶ James Yates, *Report to the Court on Police Misconduct and Discipline* (Sept. 19, 2024), at 2, <https://www.nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf>

⁷ *Id* at 2.

⁸ ProPublica, “What it Looks Like When the Police Commissioner has Unchecked Power” <https://projects.propublica.org/nypd-unchecked-power/>

⁹ See, New York Times, “A Watchdog Accused Officers of Serious Misconduct. Few Were Punished” <https://www.nytimes.com/2020/11/15/nyregion/ccrb-nyc-police-misconduct.html>

When police are not held accountable, victims of police misconduct suffer twice over. First from the police practices inflicted on them, and then again through the city's failure to deliver any semblance of accountability to their abusers. As defenders, we see officers with long histories of civil rights abuses continue to police the same streets and harm community members. We also see these harms compounded by retaliatory actions taken by officers against people who lodge complaints against them or their colleagues, discouraging future victims from coming forward at all. This cycle of abuse has been repeated on the streets of New York for too long, the people we represent carry long-term psychological and emotional effects from being treated as subhuman by omnipresent police forces in their neighborhoods.

Whenever a person dies in NYPD custody, City Council should require CCRB to automatically initiate independent investigations into these deaths. Council must demand that CCRB is granted direct access to NYPD records and databases *alongside NYPD Force Investigation Division (FID)* to effectively investigate these serious incidents expeditiously. The City Council should demand that CCRB is adequately staffed and resourced to fulfill their mandate. FID investigations lack transparency, and, in our experience, are neither thorough nor timely. FID should not be the primary investigative entity for the public nor the loved ones of people who have died in custody.

In light of the demonstrated inefficacy of the current system at reining in police abuse and biased policing, the City Council should explore utilizing every option at its disposal to allow for a more active role for the City Council in the selection and approval of the NYPD Commissioner. Additionally, the City Council should take this opportunity to explore ways to empower the CCRB and implement meaningful police accountability measures, including requiring automatic investigations into in-custody deaths, and removing the Police Commissioner's final authority over NYPD discipline.

Additionally, we call on the City Council to issue a formal "must-investigate" to the DOI-OIG to ensure that they conduct an investigation and review of fatal deficiencies in NYPD policies, practices, and procedures as well as FID investigations of NYPD in-custody deaths and publish a report with their findings and recommendations to prevent future deaths. DOI-OIG must conduct an inquiry into NYPD failure to implement measures to prevent death by suicide in its precincts. We urge City Council to ensure that DOI-OIG is adequately staffed and resourced to meet their obligations as an independent oversight agency over NYPD patterns and practices.

8. Amend the NYPD Disciplinary Matrix

We urge the NYPD to amend its Disciplinary Matrix to eliminate the category for "negligent failure to provide medical assistance." Any failure to provide medical assistance is serious misconduct and calls for severe presumptive penalties including termination. Creating a separate category for "negligent failure to provide medical assistance" serves only to weaken accountability. "Negligence" is inherently a mitigating factor that can be considered within the Disciplinary Matrix. Since a person in custody is under the complete control of NYPD and has no recourse if they are ill, there should be serious consequences for any officer who fails to take appropriate measures to obtain treatment when a person's life is in jeopardy.

When NYPD *action* results in civilian death (i.e. discharged firearm), a member of the service “may be suspended without pay for a period not exceeding thirty days.”¹⁰ In cases of criminal allegations or other serious allegations of misconduct, a member of the service may also be suspended with pay during the pendency of the investigation and disciplinary process. NYPD *inaction* that results in death should also lead to an immediate suspension and disciplinary proceedings.

9. Review NYPD’s use of other racially biased tactics and technologies

The federal court found NYPD’s use of stop and frisk proliferated an unofficial policy of racially targeting Black and Latine New Yorkers. The NYPD’s racist tactics are not limited to basic stop and frisk street encounters. Notably, the NYPD has spent more than \$1 billion in military-grade surveillance resources, primarily in Black, Latine, immigrant, and low-income communities.¹¹ This technology is repeatedly infringing on New Yorkers’ dignity, privacy, and First Amendment freedoms by providing technical justification for disproportionate deployment to Black and Latine neighborhoods.¹² Transparency in funding for the 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.¹³ 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.¹⁴

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,

¹⁰ See New York Civil Service Law § 75(3) and New York City Administrative Code § 14-123.

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

¹² 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/>

¹³ 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/>.

¹⁴ 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>

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 the 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.

Conclusion

Overall, 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 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 and loss of life for New Yorkers. The data reporting, information sharing, and oversight measures included in the How Many Stops Act, the recommendations in the 2024 Discipline Report, and the recommendations in the 10 Point Plan to Address In-Custody Deaths¹⁵ will assist the city in addressing the lack of oversight and accountability of NYPD practices and policies related to police-citizen encounters, custodial detention and arrest, and the crisis of deaths in NYPD custody.

If you have any questions about our testimony, please feel free to contact me at jgosdigian@bds.org.

¹⁵ Learn more on our webpage at, <https://bds.org/latest/nyc-public-defenders-community-groups-unveil-ten-point-plan-to-address-growing-crisis-of-deaths-in-nypd-custody>