

# TESTIMONY

The New York City Council  
Committee on Public Safety

NYPD's Gang Takedown Efforts

NAACP Legal Defense &  
Educational Fund, Inc.  
40 Rector Street, 5<sup>th</sup> Floor  
New York, NY 10006

The Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012

June 13, 2018

Dear Chairperson Richards and Councilmembers of the Committee on Public Safety:

My name is Marne Lenox, and I am an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. (LDF). I want to thank Chairperson Richards for holding this critical hearing and submit the following testimony.

## **I. Introduction**

The LDF is the nation's first and foremost civil rights law organization. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice to fulfill the promise of equality for all Americans.

Since its incorporation in 1940, LDF has fought to eliminate the arbitrary role of race in the administration of the criminal justice system by challenging laws, policies, and practices that discriminate against African Americans and other communities of color. In 2010, LDF, with co-counsel the Legal Aid Society and Paul, Weiss, Rifkind, Wharton & Garrison, LLP, filed *Davis, et al. v. City of New York, et al.*, on behalf of plaintiffs challenging the NYPD's policy and practice of unlawfully stopping and arresting New York City Housing Authority (NYCHA) residents and their visitors for criminal trespass. NYCHA residents and their guests do not shed their constitutional rights at their doorsteps. In 2015, the *Davis* plaintiffs reached a settlement with the City that included full participation in the federal court monitoring of the NYPD that the court ordered in *Floyd, et al. v. City of New York*, the historic lawsuit that successfully challenged the NYPD's stop-and-frisk policies.

The NYPD's gang enforcement strategies raise concerns akin to the unconstitutional policing practices that motivated LDF to file suit in *Davis*. The Department's aggressive, military-style gang "takedowns" primarily target public housing residents, the overwhelming majority of whom are people of color. Prior to executing these sweeping gang takedowns, the NYPD conducts criminal investigations relying, in part, on a secret database that indiscriminately designates thousands of New Yorkers as members of gangs or local street "crews" without due process protections. These practices result in imprecise policing, racial profiling, and sweeping civil liberties violations that disproportionately harm communities of color, including the City's public housing community.

The City Council must reaffirm its commitment to constitutional, race-neutral policing by holding the NYPD accountable for its gang policing strategies.

## **II. The NYPD's gang policies and practices appear to be an aggressive and targeted extension of the unconstitutional, racialized policing tactics challenged in *Davis*.**

As part of its gang policing, the NYPD regularly executes military-style gang "takedowns" that target boys and young men of color in low-income communities.<sup>1</sup> These raids are traumatic.

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<sup>1</sup> Ben Hattam, *How Massive Gang Sweeps Make Growing Up in the Projects a Crime*, GOTHAMIST (Oct. 24, 2016, 11:02 AM), [http://gothamist.com/2016/10/24/gang\\_sweeps\\_public\\_housing.php#photo-1](http://gothamist.com/2016/10/24/gang_sweeps_public_housing.php#photo-1).

They often involve hundreds of highly-trained, heavily-armed law enforcement officials,<sup>2</sup> including NYPD officers, federal agents, and U.S. Marshals.<sup>3</sup> In at least one well-documented takedown, officials detonated flash-bang grenades, broke front doors, and forced residents to crawl in their home hallways on their hands and knees.<sup>4</sup> Community members frequently mistake gang takedowns for acts of terrorism or war.<sup>5</sup>

The NYPD and District Attorneys' Offices across the City tout these raids and the resulting indictments as effective tools to combat alleged gang violence. This sanitized narrative ignores the substantial harm that gang takedowns inflict on communities of color and exaggerates the danger that arrested individuals pose to society. While a small number of people arrested in gang takedowns are believed to have committed violent or otherwise serious offenses, most are accused of only low-level misconduct. Yet prosecutors rely on conspiracy statutes to demonize those who commit petty offenses by implicating them in violent crimes, making it all but impossible to fight their charges at trial.

One example of this phenomenon is the arrest of our client, Patrick Littlejohn. The NYPD arrested Mr. Littlejohn as part of the April 2016 raid of the Eastchester Gardens NYCHA development in the Bronx, where he has lived his entire life. While just a teenager, Mr. Littlejohn was one of the lead plaintiffs in the *Davis* lawsuit; he was unlawfully arrested for trespassing in his development while visiting a neighbor who was with him at the time of the arrest. In 2016, Mr. Littlejohn was subject to yet another injustice at the hands of the NYPD when he was arrested, along over one hundred other individuals, at his home in a gang takedown. Eventually, the U.S. Attorney's Office agreed not to prosecute Mr. Littlejohn after six months of good behavior, presumably realizing that he was not, in fact, engaged in gang activity. Yet because of his arrest, Mr. Littlejohn lost his job as an after-school basketball coach and tutor. Humiliating pictures of him in handcuffs circulated local media. Today, Mr. Littlejohn is unemployed and still traumatized by this arrest. But he continues to live in Eastchester Gardens.

The targets of these raids and the defendants in these conspiracy cases are often children. Children who grew up together in the same "gang-prone" neighborhoods. Children who attend the same schools, who play basketball together. Children who communicate with their friends on social media. It is quintessential guilt by association. Yet the gang narrative shaped by law enforcement disregards the reality that takedowns have displaced an entire generation of youth of color.<sup>6</sup>

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<sup>2</sup> Liz Cho, et al., *Exclusive: A Look at NYPD 'Precision Policing' Targeting Violent Gangs*, ABC7 WABC-TV (Dec. 14, 2016), <http://abc7ny.com/news/exclusive-a-look-at-nypd-precision-policing-targeting-violent-gangs/1654336/>.

<sup>3</sup> Simon Davis-Cohen, *Footage of the Largest Gang Raid in NYPD History Reveals the Agency's Military-Style Tactics*, THE NATION (Sept. 1, 2016), <https://www.thenation.com/article/footage-of-the-largest-gang-raid-in-nypd-history-reveals-the-agencys-military-style-tactics/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Alice Speri, *In New York Gang Sweeps, Prosecutors Use Conspiracy Laws to Score Easy Convictions*, THE INTERCEPT (Jul. 12, 2016, 1:25 PM), <https://theintercept.com/2016/07/12/in-new-york-gang-sweeps-prosecutors-use-conspiracy-laws-to-score-easy-convictions/>.

### III. The NYPD's gang policing is the new stop-and-frisk.

Masquerading as “precision policing,” the NYPD’s gang policing is the functional equivalent of the Department’s unconstitutional stop-and-frisk policing tactics. The raids hyper-criminalize low-level misconduct and target the same population of New York City residents that suffered the indignity of the NYPD’s unconstitutional and racially discriminatory stop-and-frisk practices. While the NYPD touts the declining number of police stops as evidence of its compliance with the law, the Department secretly continues to target, surveil, and catalog young men of color.

Just as they do with gang policing today, the NYPD once argued that its stop-and-frisk tactics were designed to investigate and prevent crime. However, the federal court in *Floyd* found that the “NYPD carrie[d] out more stops where there are more black and Hispanic residents, even when other relevant variables are held constant.”<sup>7</sup> The racial makeup of an area was more predictive of the number of stops taking place in a specific location than the crime rate.<sup>8</sup> Such blatant race-based policing was neither constitutional nor precise. For example, although 87% of people stopped in 2011 and 2012 were Black or Latino, almost 90% of the people stopped were released without officers finding a basis for issuing a summons or making an arrest.<sup>9</sup> Significantly, the hit rate for Black people, as measured by the post-stop issuance of a summons or arrest, was nearly 10% less than for white suspects, an indication that people of color were targeted for stops and frisks based on a lesser degree of suspicion than white New Yorkers.<sup>10</sup>

Indeed, the court in *Floyd* noted that the “vague and subjective terms” the NYPD used to support their stops—such as an individual’s “furtive movements” or “suspicious bulge,” the fact that a person “fits [a] description” or was present in a “high crime area”—frequently resulted in unlawful, unjustified stops.<sup>11</sup> Officers executing gang policing strategies today rely on similarly vague—and troubling—terms and generalizations to justify their designation of individuals as gang members. Among the criteria listed on the NYPD’s Intelligence Division Gang Entry form is “association w[ith] known gang members,” “colors associated w[ith] gangs,” and “known gang location.”<sup>12</sup>

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<sup>7</sup> *Floyd v. City of New York*, 959 F. Supp. 2d 540, 560 (S.D.N.Y. 2013).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 584-85.

<sup>10</sup> David Rudovsky & Lawrence Rosenthal, *The Constitutionality of Stop-and-Frisk in New York City*, 162 UNIV. PA. L. REV. ONLINE 117, 122 (2013).

<sup>11</sup> *Floyd*, 959 F. Supp. 2d at 559-60.

<sup>12</sup> The NYPD provided its IDS Gang Entry Street and the criteria by which gang members are certified in response to Professor Babe Howell’s Freedom of Information Law request, filed on September 2, 2011. In addition to these criteria, the NYPD may certify someone as a gang member if an individual admits membership during a debrief or if, through the course of an investigation, an individual is reasonably believed to belong to a gang and is identified as such by two independent sources, which could include other New York City agencies. K. Babe Howell, *Gang Policing: The Post Stop-and-Frisk Justification for Profile-Based Policing*, 5 UNIV. DENVER CRIM. L. REV. 1, 16 (2015).

From 2003 through 2011, the number of stops NYPD officers conducted steadily increased, peaking in 2011 at over 600,000 recorded stops in that year alone.<sup>13</sup> In the years that followed, the stops have steadily declined. In 2015, there were approximately 22,000 stops; in 2016, there were 12,336 reported stops.<sup>14</sup> Today, the NYPD boasts that stop-and-frisk policing is at an all-time low. But the constitutionality of the Department's policing practices remains in question.

As police stops have decreased, the number of individuals identified as gang members in New York City has skyrocketed. This is not a coincidence. The boys and young men subjected to the degradation of unlawful stops and frisks are now stigmatized as dangerous gang members. Over the past four years, the NYPD has designated more than 17,000 individuals as gang members.<sup>15</sup> This increase is more than triple the rate at which names were added to the NYPD gang database during the Bloomberg Administration.<sup>16</sup> Significantly, during this four-year period, more than 99% of these alleged gang members are people of color, while white individuals comprise only 0.8% of the database.<sup>17</sup> In stark contrast, 33.3% of New York City residents are white, 25.5% are Black, and 23.6% are Hispanic.<sup>18</sup> These statistics strongly suggest that the NYPD continues to engage in police practices that use race as a proxy for crime.

#### **IV. The NYPD is not transparent about the due process implications of its gang database.**

The NYPD's gang database also raises serious concerns about the violation of individuals' due process rights. It is our understanding that the NYPD does not notify individuals of their inclusion in the database, nor does the Department provide a mechanism for individuals to challenge their gang designation. Further, we do not believe the NYPD reviews the database for errors or purges the database of individuals who are no longer gang affiliated. Absent these safeguards, the NYPD's database places innocent New Yorkers, primarily New Yorkers of color, at substantial risk of due process violations.

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<sup>13</sup> New York Police Department, *Investigative Encounters In-Service Training, Instructor's Guide*, NYPD MONITOR 1, 7 (Nov. 16, 2017), <http://nypdmonitor.org/wp-content/uploads/2017/11/2017-11-16-As-Filed-MonitorsRecommendation-Attachment1.pdf>.

<sup>14</sup> *Id.*

<sup>15</sup> Alice Spери, *New York Gang Database Expanded by 70 Percent Under Mayor Bill de Blasio*, THE INTERCEPT, (Jun. 11, 2018, 10:49 AM), <https://theintercept.com/2018/06/11/new-york-gang-database-expanded-by-70-percent-under-mayor-bill-de-blasio/>.

<sup>16</sup> *Id.* Between 2001 and August 30, 2013, the NYPD added 21,537 people to its gang database. Howell, *supra* note 12. Of those individuals, 48% were Black and 42% were Latino; only 1% of the individuals added to the NYPD's gang database were white. Howell, *supra* note 12.

<sup>17</sup> Spери, *Gang Database Expanded*, *supra* note 15.

<sup>18</sup> The Furman Center for Real Estate & Urban Policy, *The Changing Racial and Ethnic Makeup of New York City Neighborhoods*, STATE OF NEW YORK CITY'S HOUSING & NEIGHBORHOODS 2011 30, 31 (2012), [http://furmancenter.org/files/sotc/The\\_Changing\\_Racial\\_and\\_Ethnic\\_Makeup\\_of\\_New\\_York\\_City\\_Neighborhoods\\_11.pdf](http://furmancenter.org/files/sotc/The_Changing_Racial_and_Ethnic_Makeup_of_New_York_City_Neighborhoods_11.pdf); *see also* 2016 American Community Survey Estimates 1-Year Estimates for NYC & Boroughs, U.S. CENSUS BUREAU, [https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nycpopulation/acs/demo\\_2016acs1yr\\_nyc.pdf](https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nycpopulation/acs/demo_2016acs1yr_nyc.pdf) (estimating based on one-race populations that 31.8% of New York City residents are white, 29.2% are Hispanic or Latino, and 22% are Black).

In light of these concerns, several months ago, LDF and the Center for Constitutional Rights (CCR) served the NYPD with two FOIL Requests seeking records concerning the NYPD's gang policing tactics. These Requests are attached as Exhibits A and B. The Requests sought information about whether and how the NYPD protects New Yorkers from the arbitrary denial of their lives, liberties, and property. The NYPD responded to the Requests and provided *some* minimally responsive information. But the Department refused to disclose the vast majority of the requested records. Of particular concern is the NYPD's refusal to provide information about whether the NYPD protects against erroneous gang/crew designation, and if so, what that process is. The fact that the NYPD contests our access to basic information about the rights and liberties of thousands of New Yorkers is deeply troubling. The NYPD's lack of transparency prevents us from understanding the extent of the problems at hand.

The gang database's apparent lack of due process is particularly disconcerting given the likelihood that the Department regularly misidentifies innocent individuals as gang members. Inclusion in the gang database does not require criminal activity.<sup>19</sup> In 2013, the NYPD disclosed that it may certify an individual as a gang member if she meets two of the following six criteria: (1) spends time in a gang-prone location; (2) has scars/tattoos associated with gangs; (3) has gang related documents; (4) wears colors associated with gangs; (5) associates with known gang members; and (6) uses hand signs associated with gang members.<sup>20</sup>

These criteria are equally as emblematic of innocence as they may be of gang membership. They provide the Department with unfettered discretion to identify and certify any young person in predominantly Black and Latino neighborhoods as gang members. For example, a 16-year-old high school student who has never committed a crime, has no control of her residence in a gang-prone neighborhood, and happens to know "gang-affiliated" people living in her neighborhood risks inclusion in the database. The NYPD's gang membership criteria could easily serve as pretextual justifications for surveilling and monitoring large swaths of individuals who engage in innocent and lawful behavior.

The NYPD database, therefore, is almost certain to suffer the extensive inaccuracies that infect similar databases in other jurisdictions.<sup>21</sup> A recent state audit of CalGang, California's statewide gang database, revealed that the databank erroneously included the names of forty-two toddlers one year of age or younger; twenty-eight of these names were entered because these babies allegedly admitted gang membership.<sup>22</sup> Similarly, a Freedom of Information Act request

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<sup>19</sup> Howell, *supra* note 12.

<sup>20</sup> *Id.*

<sup>21</sup> Annie Sweeny, *Massive Gang Database Kept by Chicago Police Under Fire as Inaccurate, Outdated*, CHI. TRIB. (Apr. 30, 2018, 6:46 AM), <http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-police-gang-database-20180411-story.html>; National Immigrant Law Center, *Untangling the Immigration Enforcement Web*, NATIONAL IMMIGRATION LAW CENTER 1, 10-11 (Sept. 2017), <https://www.nilc.org/wp-content/uploads/2017/09/Untangling-Immigration-Enforcement-Web-2017-09.pdf>; Richard Winton, *California Gang Database Plagued with Errors, Unsubstantiated Entries, State Auditor Finds*, L.A. TIMES (Aug. 11, 2016, 9:10 PM), <http://www.latimes.com/local/lanow/la-me-ln-calgangs-audit-20160811-snap-story.html>.

<sup>22</sup> Winton, *supra* note 21.

concerning the Chicago Police Department’s gang database revealed that the repository included more than 160 people in their 70s or 80s, along with two people who were allegedly 132 years old.<sup>23</sup>

Concerns about the utility and accuracy of Chicago’s gang database recently led Chicago’s Inspector General to audit the database and investigate how Chicago police gather information about alleged gang members.<sup>24</sup> Concerns about California’s gang database led to a statewide audit and a formal change in law.<sup>25</sup> Concerns about Portland’s gang database led to its dismantling.<sup>26</sup> Concerns about the NYPD’s gang database demand attention and action.

## V. Conclusion

The NYPD’s gang policing strategy—like its unconstitutional stop-and-frisk and trespass enforcement practices—unduly exposes a disproportionate number of people of color to a host of injustices. Individuals who are wrongly presumed to be gang members face heightened police surveillance; elevated aggression during police encounters; enhanced bail recommendations; elevated charges; and, for some, loss of housing and the threat of deportation.<sup>27</sup> These concerns, and the stories you’ve heard and will continue to hear today, are familiar to communities of colors throughout the City. Decades of ineffective and unconstitutional stop-and-frisk enforcement have become the NYPD’s policing legacy. We must not allow history to repeat itself.

We welcome the opportunity to meet with City Councilmembers to discuss this topic in greater depth, but meaningful reform requires transparency from the NYPD. Today, we ask that the New York City Council:

- Encourage the NYPD to comply with FOIL requirements and disclose all records responsive to LDF and CCR’s FOIL Requests.
- Create a process to amplify the voices of and solicit input from affected community members to gain a greater understanding of the issues described today.
- Join advocates’ calls for a formal investigation into the NYPD’s gang policing practices by the Office of the Inspector General for the NYPD.

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<sup>23</sup> Mick Dumke, *Chicago’s Gang Database is Full of Errors—And Records We Have Prove It*, PROPUBLICA, ILLINOIS (Apr. 19, 2018, 5:00 AM), <https://www.propublica.org/article/politic-il-insider-chicago-gang-database>.

<sup>24</sup> Jacqueline Serrato, *Chicago Police Admits Gang Database Error that Enabled ICE Raid*, CHI. TRIB. (Dec. 6, 2017, 1:31 PM), <http://www.chicagotribune.com/hoy/ct-chicago-police-admits-gang-database-error-20171206-story.html>.

<sup>25</sup> See Dave Maass, *Victory! Gov. Brown Signs Bill to Overhaul California’s Broken Gang Database*, ELECTRONIC FRONTIER FOUND. (Sept. 28, 2016), <https://www.eff.org/deeplinks/2016/09/gov-brown-signs-bill-overhaul-californias-broken-gang-databases>.

<sup>26</sup> Josh Saul, *In a First for the Nation, Portland Police End Gang List To Improve Relations with Blacks and Latinos*, NEWSWEEK (Sept. 15, 2017, 6:40 AM), <http://www.newsweek.com/2017/10/06/gang-violence-portland-police-tear-gang-member-list-effort-rebuild-community-665374.html>.

<sup>27</sup> Serrato, *supra* note 24; Sean Garcia-Leys, Meigan Thompson, and Christyn Richardson, *Mislabeled: Allegation of Gang Membership and Their Immigration Consequences*, UCI SCH. OF L. IMMIGR. RTS. CLINIC (Apr. 2016), <http://www.law.uci.edu/academics/real-life-learning/clinics/ucilaw-irc-MislabeledReport.pdf>.

# Exhibit A



December 20, 2017

**VIA EMAIL AND FEDEX**

New York City Police Department  
Records Access Officer  
FOIL Unit, Legal Bureau  
One Police Plaza, Room 110-C  
New York, New York 10038

**Re: Freedom of Information Request**

Dear Freedom of Information Officer:

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) and Center for Constitutional Rights (“CCR”) make this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, pursuant to New York Public Officers Law §§ 84-90. We respectfully request that you provide us with the following information within five business days of your receipt of this letter:

- (1) All documents, including without limitation, training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010 to the present, regarding the criteria for identifying an individual as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system.
- (2) All documents, including without limitation, training materials, policies, procedures, regulations, protocols, and guidelines drafted and/or utilized by the Detectives Bureau, the Organized Crime Control Bureau (OCCB), and by and each of the nine (9) Police Service Areas, the eight (8) Borough Investigative Chiefs, the Precinct Detective Squads in each of the eight (8) Boroughs, and the Borough and Precinct Gang Squads from January 1, 2010 to the present, regarding the criteria for identifying youth gangs and/or crews.
- (3) All documents reflecting the demographic information—including but not limited to race, sex, and age—of every individual currently included in any database, log, list, and/or



electronic system for suspected or confirmed membership, association, and/or affiliation with any gang and/or crew.

- (4) A copy of the Gang/Group Incident Report (PD377-158).
- (5) All documents, including without limitation, training materials, policies, procedures, regulations, protocols and guidelines regarding how the NYPD's Domain Awareness System is used to monitor and/or identify a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew.

#### Format

Electronic records should be produced in their unlocked native format with all original metadata and original filenames. Paper documents should be scanned and produced as Adobe PDF files or TIF files. Emails produced should be grouped together with any attachments. When searching emails, please search all folders, including inbox, subject matter folders, sent items, archived items, and deleted items. Please produce all metadata fields for emails, including BCC and all others.

#### Fee Waiver and Expedited Processing

The above requests are a matter of public interest. Accordingly, we request a fee waiver and expedited processing. The disclosure of the information sought is not for commercial purposes; instead, it will contribute to the public's understanding of government operations.<sup>1</sup>

LDF and CCR are non-profit organizations dedicated to civil and human rights, with a proven track-record of compiling and disseminating information and reports to the public about government functions and activities, including policing. We have undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this Request is to obtain information to further the public's understanding of important policing policies. Access to this information is crucial for LDF, CCR, and the communities we serve to evaluate such policies and their effects.

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<sup>1</sup> Letter of Robert Freeman, Executive Director, NYS Committee on Open Government, Opinion No. 11745, available at <http://docs.dos.ny.gov/coog/ftext/f11745.htm> (last visited Sept. 6, 2017) (“[T]here is nothing in the Freedom of Information Law that prohibits an agency from waiving the fee for copies.”).



Conclusion

As indicated above, the Freedom of Information Law (“FOIL”) requires that an agency respond within five business days of receipt of a FOIL request. If you are unable to comply with our records request within five business days, please provide us with a copy of the internal report explaining the delay in accordance with 211-17 of the New York Police Department Guide, Section 9, and let us know when we may expect the requested records.

If this request is denied in whole or in part, please identify the appropriate specific appellate authority and justify all specific deletions by reference to exemptions in the statute. Please do not redact any non-responsive information from any records; we request the complete copies of any records with any responsive information. Additionally, please inform us of the reason(s) for such denial in writing, and provide the name, mailing address, and email address of the person or body to whom an appeal should be directed.

Please direct correspondence related to this request to the undersigned to the following addressee(s):

**Marne Lenox**  
**c/o NAACP Legal Defense and Educational Fund, Inc.**  
**40 Rector Street, 5<sup>th</sup> Floor,**  
**New York, NY 10006**  
**Tel.: (212) 965-2256**  
**Email: [mlexox@naacpldf.org](mailto:mlexox@naacpldf.org)**

Thank you for considering our request.

Sincerely,

\s\ Marne Lenox  
Marne Lenox  
Assistant Counsel  
NAACP Legal Defense and Educational  
Fund, Inc.

\s\ Darius Charney  
Darius Charney  
Senior Staff Attorney  
Center for Constitutional Rights

## Exhibit B

February 22, 2018

**VIA EMAIL AND FEDEX**

New York City Police Department  
Records Access Officer  
FOIL Unit, Legal Bureau  
One Police Plaza, Room 110-C  
New York, New York 10038

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- (1) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present that reflect the NYPD’s definition of the following terms:
  - a. Crew
  - b. Gang
- (2) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system is notified about his/her inclusion in such database, log, list, and/or electronic system.
- (3) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in



any database, log, list, and/or electronic system may seek to challenge his/her inclusion in such database, log, list, and/or electronic system.

- (4) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding any challenge by an individual identified as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew in any database, log, list, and/or electronic system regarding his/her inclusion in such database, log, list, and/or electronic system and the current status of that challenge.
- (5) All documents, including but not limited to training materials, policies, procedures, regulations, protocols, and guidelines, drafted and/or utilized by the NYPD from January 1, 2010, to the present, regarding the process by which any database, log, list, and/or electronic system that identifies an individual as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew is reviewed, audited, and/or modified for accuracy.
- (6) A list of all public and/or private companies, agencies, and/or organizations, including but not limited to the New York City Department of Education (DOE), the New York City Housing Authority (NYCHA), and the U.S. Immigrations and Customs Enforcement (ICE), with whom the NYPD has shared any database, log, list, and/or electronic system that identifies an individual as a suspected or confirmed member, associate, and/or affiliate of any gang and/or crew from January 1, 2010, to the present.

#### Format

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### Conclusion

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Please direct correspondence related to this request to the undersigned via telephone at (212) 965-2256, email at [mtenox@naacpldf.org](mailto:mtenox@naacpldf.org), or by mail at 40 Rector Street, 5th Floor, New York, NY 10006.

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<sup>1</sup> Letter of Robert Freeman, Executive Director, NYS Committee on Open Government, Opinion No. 11745, <http://docs.dos.ny.gov/coog/ftext/f11745.htm> (last visited Sept. 6, 2017) ("[T]here is nothing in the Freedom of Information Law that prohibits an agency from waiving the fee for copies.").



Thank you for considering our request.

Sincerely,

\s\ Marne Lenox

Marne Lenox

Assistant Counsel

NAACP Legal Defense and Educational Fund, Inc.

\s\ Darius Charney

Darius Charney

Senior Staff Attorney

Center for Constitutional Rights