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Civil Rights Groups Sue NYPD Over Failure to Disclose Information on Gang Policing Policies

The New York City Police Department (NYPD) maintains a database that classifies thousands of New Yorkers – 99% of whom are people of color – as members of local street gangs or crews. Given that the NYPD relies on this racially discriminatory system to conduct military-style gang takedowns, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the Center for Constitutional Rights (CCR) today [filed suit](#) against the NYPD over the Department's failure to provide an accurate and complete response to two separate requests for information on its gang policing tactics.

“The Department’s gang database – which offers very limited due process protections for people included in the system – is used to subject New Yorkers of color to increased surveillance, additional police encounters, and in some cases, the threat of deportation,” said [Marne Lenox](#), Assistant Counsel at LDF. “While the NYPD pretends to be committed to transparency, it continues to hide details about its gang policing practices from the public. As we lay out in our suit, either the NYPD has records they’re not sharing or the sworn testimony the Department provided to the City Council is inaccurate. We’re calling on the Court to uncover the truth.”

“The NYPD’s so- called “Criminal Group Database” and gang policing practices are a black box that, like stop-and-frisk before them, have subjected thousands of young people of color in New York City over the past several years to police surveillance, harassment, and worse” said Darius Charney, Senior Staff Attorney at the Center for Constitutional Rights. It is therefore critical that the NYPD provide the public with enough information about these programs to determine whether they comply with the law.”

In filing suit, LDF and CCR assert that the NYPD’s withholding of information violates the Freedom of Information Law (FOIL) in three ways. First, the Department failed to conduct a diligent search for the records requested. For example, the civil rights groups note that in sworn testimony before the New York City Council in June, the NYPD discussed “established procedures” in place to ensure the accuracy of its database. However, the Department now claims it has no such written policies or records. Additionally, the Sergeant in charge of responding to LDF and CCR’s requests conceded that his search for records was not exhaustive. Second, the NYPD neglected to provide a sworn document certifying that records could not be located, as required by law. Third, the NYPD did not provide a specific justification for withholding particular documents, as required by law. Contrary to FOIL’s mandate, the Department simply cited language in the statute without offering any factual basis in support of their claims.

In [December 2017](#) and again in [February 2018](#), LDF and CCR filed FOIL requests for information on how the NYPD builds, maintains, and audits its gang database, including whether and how the NYPD protects against false gang or crew designations. But, even after an administrative [appeals process](#), the Department has not disclosed the vast majority of the records requested. In addition to the FOIL requests, LDF and CCR called for transparency about the Department's gang policing tactics in their [testimony](#) at a City Council oversight hearing, which the organizations [requested](#) months earlier. LDF also served a [FOIL request](#) to the New York District Attorney's Office seeking information about New Yorkers' inclusion in any gang databases their office maintains or to which they have access.

Read LDF and CCR's memorandum of law [here](#).

Read LDF and CCR's verified petition [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org; follow [@theCCR](#).