



Friday, June 24, 2022

**STATEMENT OF DEPUTY INSPECTOR JOHN HALL
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON PUBLIC SAFETY AND
STATE AND FEDERAL LEGISLATION**

**COUNCIL CHAMBERS
JUNE 24, 2022**

Good morning Chair Hanks, Chair Abreu and members of the Council. I am Deputy Inspector John Hall, the Executive Officer of the New York City Police Department's Office of Crime Control Strategies. I am joined here today by Michael Clarke, the Department's Director of Legislative Affairs and Nicole Berkovich, Director of the NYPD's License Division, as well as Director Deanna Logan from the Mayor's Office of Criminal Justice. On behalf of Police Commissioner Keechant Sewell, we are pleased to testify regarding the NYPD's efforts to keep deadly illegal firearms off our streets and to discuss the bill being heard today.

While we return to a familiar, pre-pandemic way of life, we are nonetheless confronted by familiar challenges. At the top of that list is the epidemic of shootings in our streets, driven by a surplus of illegal guns, nearly all of which come from out of state.

According to the most recent data kept by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or "ATF", of the 3,639 guns recovered in New York City in 2021 where a source state could be traced, only 147, or 4%, were from New York State, while 2,785, or 76.5%, were from Florida, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Ohio, and Pennsylvania, the top nine source states that year, with the remainder coming from other states. In 2020, the top nine source states accounted for 77.1% of recovered guns in New York City, and in 2019, the top ten accounted for 74.7%.

But it's not just New York City. In New York State as a whole, 81.4% of guns traced were from out-of-state. In Massachusetts, 78.8% of their guns come from out of state. In New Jersey, it is 82.6%. In Washington, D.C., it is 96.3%. This is a national issue. While we will continue to battle this scourge on our city streets, more work must be done on a national level to disrupt and stem the flow of firearms into our cities.

So far in 2022 the NYPD has taken over 3,000 illegal guns off our streets, including 175 ghost guns. The emerging threat of ghost guns in our city is cause for alarm. In all of 2018, the NYPD seized just 17 ghost guns, but that number increased to 50 in 2019, 150 in 2020, 275 in 2021, and we are on pace to exceed that number of seizures this year.

But, no matter how many guns we seize, there are people ready to bring more into our city. More guns on our streets means these guns will be used more often. Sixty-seven percent of murders in this city are committed with a gun. In 2019, it was 50%. After a steady decrease in gun-involved robberies in recent years, we saw a 61% increase from 2021 to 2022 year-to-date, and a 112%

increase from 2020 to 2022. This trend is alarming and is directly correlated to the increase in the availability of illegal guns.

Because of the nature of the problem facing us, the work done in coordination with our state and federal law enforcement partners and prosecutors is the linchpin in our efforts to stem the flow of guns coursing through what has been referred to as the Iron Pipeline, the path along the eastern corridor of the United States, often via I-95, which brings these guns from states with lax gun laws into states and metropolitan areas with much stricter and more effective gun regulations.

These partnerships take many forms. We work with federal and state partners on a variety of task forces designed to reduce gun violence, including the Joint Firearms Task Force, the Violent Gangs Task Force, the Joint Organized Crime Task Force and the NY Metro Safe Streets Task Force to conduct investigations into and prosecutions of gun traffickers and those who cause violence on our streets. Every day, we bring together over 20 federal, state and local law enforcement agencies and prosecutors, as part of the Gun Violence Strategic Partnership, to identify trigger-pullers and to ensure every lever of the justice system is engaged in their case.

Our Gun Violence Suppression Division conducts investigations into our most violent individuals and criminal groups. The goal of their work is to help solve homicides and non-fatal shootings and bring those willing to fire a gun in our city to justice.

Long term investigations are conducted by the Firearms Suppression Section, which builds complex cases against those trafficking and using firearms and works with our local and federal prosecutors in these often complex prosecutions. So far this year, this unit has been responsible for the recovery of 275 firearms as a result of the successful execution of search warrants, and undercover and confidential informant gun buy operations, well outpacing the 2021 numbers.

Our Youth Coordination Officers and our Neighborhood Coordination Officers work with members of the community to stop gun violence before it begins. And the Crisis Management System, which the Mayor's Office of Criminal Justice will speak about, provides critical tools to help stem the tide of violence.

However, the law enforcement community and our community partners cannot do this work alone. We need Congress to act to help stop the never-ending influx of illegal guns from states with lax to nearly non-existent regulations. We need to stop people from possessing deadly firearms without being licensed, without background checks, without waiting periods, and without any record of a sale when not done by federally licensed firearms dealers. All of this is currently legal in many places and allows the trail of a gun to go cold, making it extremely difficult to identify who is trafficking guns into our city. These loopholes allow the weapons to enter the city, weapons which are too often used to mow down people in gang turf wars, peaceful worshippers in their places of worship, people simply trying to buy groceries, and school children sitting in class.

Sadly, even if we are able to interdict every gun coming into New York City, we must recognize that an unacceptable number of illegal guns are already here. That is why it is critical that we continue to use precision policing to identify and arrest those who carry illegal guns. And the criminal justice system must be recalibrated to allow judicial discretion to hold those dangerous

few in custody pending trial. In short, there must be consequences and accountability for carrying and using illegal firearms if we are to make real headway in ending the cycle of gun violence.

I would like now to talk about the bill being heard today, Intro. 518. This bill would require the Mayor's Office to Prevent Gun Violence to coordinate with the NYPD to study and report on the illegal transportation of firearms. The Department supports the intent of this bill and agree that it is vital to track the flow of guns into our city, and we look forward to working with the Council as to the most effective way to report the information called for in the bill. We would note that much of the data is data collected and reported by the ATF and is subject to certain federal legal requirements. We look forward to further discussions with Council and the Law Department on how to best report certain data.

The bill also contemplates that the study and report include reviews and recommendations regarding how guns are illegally transported into the city and ways and reduce gun trafficking and violence, and I will defer to my colleagues at MOCJ to speak further on those provisions of the bill.

Thank you and we look forward to answering your questions. I'll now hand it over to Director Logan.

Mayor's Office of Criminal Justice
Testimony to the New York City Council
Committee on Public Safety
Committee on State and Federal Legislation
Int. 518-2022
June 24, 2022

Good morning, Chair Hanks, Chair Abreu and members of the Committee on Public Safety and the Committee on State and Federal Legislation. My name is Deanna Logan, and I'm the Director of the Mayor's Office of Criminal Justice. MOCJ advises Mayor Adams on criminal justice policy and is the Mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ works with law enforcement, city agencies, not-for-profits, foundations, and the public to implement effective strategies that make the City safer by improving system coordination. MOCJ brings together community and institutional stakeholders to address the systemic issues that undermine the safety and stability of our neighborhoods. MOCJ strives to move our City forward by providing better resources and the access to supports needed to promote and maintain healthy communities for all New Yorkers. Our office is committed to implementing Mayor Adams' vision for a safe and fair City for all New Yorkers.

MOCJ's teams all work along a public safety continuum that supports the healthy neighborhoods that create safety. Recognizing the interconnected and holistic nature of public safety in historically disinvested communities that also experience the brunt of over-policing and heightened levels of gun violence, in December 2019, the City launched the Office of Neighborhood Safety (ONS). In 2021, this body codified the office as the City's primary unit tasked with addressing the root causes that challenge public safety. ONS, housed within MOCJ, is a crucial component of the public safety continuum, and is a necessary part of our efforts to co-produce public safety in partnership with local communities. ONS combines efforts from the Mayor's Action Plan for Neighborhood Safety (MAP), the Office to Prevent Gun Violence (OPGV), and Atlas to share resources and holistic assistance for New Yorkers affected by violence. ONS' teams work with our network of residents and community leaders to ensure that more New Yorkers have the agency and ability to define public safety directly for themselves. As such, ONS relies on the strength, experience and expertise of community as guiding principles and is committed to ensuring that marginalized communities have access to capital and opportunities.

As part of the launch of ONS, Atlas was created to build on the foundations of MAP and OPGV's approach to foster deep relationships, invest resources, and provide support for people hardest to reach in the criminal justice continuum. Given these initiatives' goals of enhancing safety, Atlas, OPGV and MAP serve overlapping populations in the City's highest crime neighborhoods. All three programs are housed within ONS, and are part of a larger effort to reduce violence and prevent and minimize criminal justice involvement by addressing the root causes of violence that have disproportionately impacted ONS'

serviced communities. ONS's programs and initiatives operate on a spectrum that flows from the broader environment, to the community, to the individual.

I will share here a few more details about MAP, Atlas, and OPGV's portfolios.

MAP

MAP was launched in July 2014 following a spike in shootings in some of the City's public housing developments. Over the past seven years, MAP has become an internationally recognized model for how residents co-create safety in their communities through innovative problem-solving. Its signature initiative NeighborhoodStat brings together residents, community stakeholders, and City agency representatives to identify and solve public safety and quality of life issues. Residents take the lead in safety realization efforts through partnerships with community organizations and various City agencies, including the Police Department, Parks Department, Department of Aging, NYCHA, and the Department of Sanitation. In addition to local NSTAT, MAP sites also conduct this work Citywide in an annual summit that results in actionable priorities for NYCHA developments across the City. MAP sites across the city have experienced substantive drops in crime over the last five years, as compared to similar sites without the program.

OPGV

Launched in 2014, OPGV works to address gun violence through a shift in social norms and the work of community members in mediating disputes to prevent shootings. The Crisis Management System (CMS) deploys teams of credible messengers — community members whose backgrounds allow them to connect with and motivate at-risk individuals — to 31 sites where they implement the Cure Violence model of mediating conflicts on the street and direct New Yorkers to services that can create peace and support healing, including a year-round employment program, mental health services, trauma counseling, and other opportunity-centered resources. This initiative has brought measurable benefits to communities citywide: researchers found that, across CMS sites, shooting victimizations fell by 28% over the first 24 months following a site launch, compared to the 24 months prior to the launch, with gun injuries down 33%. Researchers also found that CMS increased trust in police and decreased residents' reliance on violence to settle disputes. The Administration continues to increase and improve its commitment to innovative programming that enhances safety within communities.

Atlas

Atlas seeks to address the risks and needs of individuals released pretrial on their own recognizance who are at heightened risk of future victimization or justice-system involvement. The program offers participants therapeutic services to address past trauma; mentorship, education and employment opportunities; and entry into supportive community networks. Atlas' therapeutic services engage entire families in order to strengthen family bonds and reduce the risk of future justice-system involvement.

Intro 518-2022

Intro 518 would require OPGV to work with NYPD to obtain a better understanding of the flow of firearms in the City by reviewing and submitting a report on the illegal transportation of firearms. While we support the goals of this legislation, it is important to note that OPGV as a part of ONS is dedicated to applying upstream solutions to public safety, as well as crisis management when an act of violence occurs. By contrast, the broader MOCJ research and policy team has supervised similar studies in the past, and would be best equipped to conduct the study and report as the legislation envisions. We look forward to discussing the bill further, and working with the Council to refine the bill's provisions.

Thank you for the opportunity to present testimony on MOCJ's' work, and I'm happy to answer any questions.

OFFICE OF THE RICHMOND COUNTY DISTRICT ATTORNEY



THE COUNCIL OF THE CITY OF NEW YORK

**COMMITTEE ON PUBLIC SAFETY & COMMITTEE ON STATE
AND FEDERAL LEGISLATION**

**ACCESS TO FIREARMS: CITY AND STATE EFFORTS TO CURB GUN
VIOLENCE**

JUNE 24, 2022

MICHAEL E. McMAHON

DISTRICT ATTORNEY

I: OVERVIEW

Good morning. It is an honor and pleasure to submit this testimony to the New York City Council today. I hope you and your families are well and safe and I look forward to continuing our work to improve our criminal justice system in line with our shared goal of better protecting and serving the people of the City of New York.

With summer here and people spending more time outdoors, Staten Islanders and all New Yorkers are understandably concerned about their safety as well as the safety of their children and loved ones. This is especially true in the wake of recent tragedies, from the horrific mass shootings that have terrorized different regions across the country, to a rise in the violent devastation that has been caused by the flood of illegal guns on our city's streets, especially in the hands of our youth. Amid these disturbing incidents, at least one point has been clear — the fight to prevent gun violence and keep our communities safe has never been more urgent.

That is why, at the beginning of June, I stood on the steps of Borough Hall with elected leaders, community partners, and violence interrupter groups to not only commemorate National Gun Violence Awareness Month but also declare Staten Islanders are united in our effort to fight gun violence. Those were more than mere words, and my office has taken immediate steps to develop and implement a comprehensive plan to combat gun violence in our borough, maintaining a zero-tolerance policy for gun crimes and working closely with the NYPD to hold gun offenders accountable. We also continue to build stronger partnerships between law enforcement and the community we serve to address the root causes of street violence and stop gun crimes at the source. With the summer only just beginning, now is the time to strengthen and expand these efforts to fight gun violence on all levels.

As District Attorney, my top priority is to prevent crime and ensure justice is served fairly and equally in our borough. I am immensely proud of the work my office has done to make our communities safer, working closely together with our local, state, and federal law enforcement partners to hold accountable those who commit gun crimes while also making new investments in violence prevention and youth engagement to strengthen our communities and stop gun crime before it occurs.

On the local level, many elements of our strategy to combat gun violence are bearing out, with shootings down on Staten Island nearly 32 percent and gun arrests by the NYPD up more than 21 percent, even as gun violence continues to rise in other parts of the City. While there is still much that needs to be done, especially in terms of

addressing the crisis of gun violence among our youth, my office will continue to lead on this serious issue, and we remain committed to working closely with partners at every level to make our communities safer for all.

These partnerships are more important now than ever as we continue to work to stem the flow of guns being illegally brought into New York and used to commit violent crimes. The “iron pipeline” remains a serious concern for my office and the NYPD, especially in considering the Supreme Court’s recent ruling in New York State Rifle & Pistol Association v. Bruen. With this decision, the Supreme Court has drastically jeopardized the safety of New Yorkers and made the job of police officers as well as all those serving in law enforcement that much more dangerous. At a time when we are making progress in reducing shootings and violent crime, I am greatly concerned the Supreme Court’s decision will cause the gathering storm of gun violence in our City to finally break, drowning the successful work my office and the NYPD has done to bring down shootings and hold gun offenders accountable on Staten Island.

The Staten Island DA's office has and always will treat gun crimes seriously – we request bail and jail on every case that involves an illegal firearm and prosecute those who carry, brandish, or fire illegal weapons to the fullest extent of the law. With that said, as District Attorney, I firmly believe that a crime prevented is always better than a crime prosecuted, and it’s imperative that we do everything in our power now to prevent and reduce gun violence through multiple approaches and strategies.

To that end, my office has put forth a comprehensive ten-point plan that immediately addresses the scourge of gun violence on Staten Island and uses a multi-pronged approach to tackle this complicated and nuanced issue.

II. OUR TEN POINT PLAN TO REDUCE GUN VIOLENCE ON STATEN ISLAND

1. Taking Guns Off Our Streets:

- a. Cutting off the supply of firearms on our City’s streets is crucial to preventing gun violence, and my office has taken several steps to achieve this goal. We maintain coordinated operations and gun trafficking investigations with multiple law enforcement partners, which also includes sharing intelligence and data with federal, state, and local law enforcement partners to build strong gun cases;
- b. We have hosted multiple gun buy backs in partnership with the NYPD, local churches, and community organizations to prevent firearms from

falling into the wrong hands. These have resulted in hundreds of guns being safely disposed of by the NYPD.

- c. We continue to fund and support crime prevention initiatives, including Crime Stopper tips which assists with gathering investigative leads into the drivers of violent crime, including gang violence;
 - d. We also regularly participate in the HIDTA Task Force, working with members of the NYPD, ATF, DEA, Federal Probation, City Correction, State Correction, EDNY, SDNY, all 5 DA Offices and SNP to bring down gun violence at its source. In these briefings, leaders from each agency discuss the most significant drivers of gun violence across the City, share information and intelligence, and coordinate resources to better prevent and prosecute gun crimes.
2. **Precision Prosecution of Gun Crimes:** RCDA remains committed to holding accountable those who perpetuate gun violence in our communities. We request bail and jail on every case that involves an illegal firearm and prosecute anyone who uses, possesses, or brandishes a gun on Staten Island. My office also has a well-established and dedicated Gun and Gang Violence Unit responsible for solely handling gun crimes, ensuring gun offenders are convicted and face serious consequences for carrying or using a gun.
3. **Increasing Red Flag Law Awareness and Training; Expanding Utilization of this tool:** Our office has already conducted several trainings for our ADAs and the community on New York's Red Flag Law, which uses Extreme Risk Protection Orders to keep guns out of the hands of people who are a risk to themselves or others. We'll be conducting more trainings and presentations in the months ahead for the community to reflect the recent changes in New York State Law to expand the use of ERPOs.
4. **Neighborhood Safety Plans:** In response to a troubling rise in shootings and other serious violent crimes on Staten Island, RCDA began working with our partners in the NYPD and the community to develop and implement new and effective crime fighting strategies. This includes putting neighborhood action plans into practice, working with community leaders, local organizations, and violence interrupter groups to bring about tangible improvements to communities traditionally facing higher rates of gang and street violence. Not only do we continue to investigate and prosecute gun crimes, we are also trying to improve conditions and the overall wellness of those communities that are most vulnerable and susceptible to a sense of lawlessness. RCDA's Neighborhood Action Plans have resulted in:
- a. Gun buybacks to prevent firearms from falling into the wrong hands.
 - b. Dozens of graffiti removal and litter cleanups at sites across different target neighborhoods.

- c. Developed new youth-oriented athletic and educational programing, including: Launching RCDA's Youth Advisory Council; Working with our partners to expand the popular Saturday Night Lights youth program to even more Staten Island communities; We also continue to hold regular community convening meetings to discuss topics ranging from gun violence to juvenile justice, to mental health, to economic and job security, to drug abuse and alternatives to incarceration, and so much more, all while soliciting community input as to how RCDA can better serve Staten Island.
5. **Focusing on Youth:** The impact of gun violence on our young people is an issue my office takes incredibly seriously. We know that last year 25% of victims of Non-Fatal Shootings on Staten Island were under the age of 20. At the same time, 20% of all gun arrests last year were for teens aged 14-17. This is a clear sign we must do more to help our youth by making resources more available to them to ensure they remain engaged in positive ways. At the same time, when a violent incident does occur involving a minor, especially in our schools, law enforcement must remain an important part of the equation to ensure the victim receives justice, the public stays safe, and the juvenile offender faces the appropriate consequences for their actions rather than sweeping these serious incidents under the rug. That is why I have advocated for several changes to laws and policies regarding youthful offenders and also continue to call for increasing the number of school safety agents in our schools.
 - a. **Restoring assigned police officers and increasing the number of safety agents in our schools:** While we know that an exceedingly small number of students cause the vast majority of safety issues in our schools, there is no question that our hallways are not adequately staffed by School Safety officers. Currently Staten Island schools average 2.6 agents per school, which is lower than DOE's stated level of 3 agents per elementary school, 5 – 7 agents per intermediate school, and 10 – 15 agents per high school. These men and women are essential workers on the frontlines of keeping our kids safe every day, and they must be paid a fair wage and fully staffed in all of our school buildings. Further, we urge the NYPD to ensure that Youth Officers work primarily if not exclusively during the school day, and spend consistent time each day at the schools in their precinct. We also urge the return of patrol officers who are assigned specifically to middle and high schools, to not only ensure a safe learning environment, but to foster a positive and personal relationship between our young people and an officer they will get to know and trust.

- b. **Reform to the NYPD Juvenile Report Policy:** The NYPD’s policy of issuing “juvenile reports” after making an arrest in cases where a minor is alleged to have acted violently must change. The practice of issuing these juvenile reports circumvents the juvenile justice system entirely, which in effect allows these youth offenders to avoid taking any personal responsibility for their actions. It also does nothing to connect them with meaningful services that could redirect them from the misguided path they are headed down and we believe changing these policies would have a positive impact in preventing future violent incidents.
- c. **Change to Raise the Age Law:** This law increased the age of criminal responsibility from 16 to 18 throughout the state, effectively preventing police and prosecutors from holding teenage offenders accountable for gun possession due to a loophole in the law that takes these cases out of the hands of prosecutors. While it is wholly appropriate to give kids a second chance for many non-violent crimes, our laws should send a message to everyone, regardless of age, that if they carry and use a gun they have gone over the line and must face consequences. Otherwise, public safety will suffer and that is what we are seeing now.
- d. **Increased programming for Conflict De-escalation and Peer Mediation in Schools:** As District Attorney, I believe a crime prevented is better than a crime prosecuted. That is why it is crucial to engage with our youth early, and my office continues to meet with and deploy community organizations and stakeholders who can credibly engage with gangs, crews, and disaffected youth to prevent or resolve conflict in non-violent ways. We have further engaged teenagers and young adults in meaningful and safe activities and supported other organizations doing the same.
- e. **Addressing Trauma in Youth to Stop the Cycle of Violence and Substance Abuse:** RCDA offers several programs aimed at addressing trauma in youth with the goal of stopping the cycle of violence and substance abuse in their lives. RCDA launched the HUGS program in 2020 in partnership with the Staten Island Performing Provider System (SIPPS) and regional community partners to pilot this innovative overdose outreach effort with hopes of assisting individuals with substance use disorder or mental health issues before they suffer another crisis—overdose, arrest, or suicide. Our team will receive information regarding social determinants of health and will tailor a response team using RCDA staff of partner agencies. These custom

teams will connect with the individual and craft a care plan to assist them with all their needs.

RCDA also launched the Ripples of Hope Program, which focuses on children as victims of the opioid crisis. Our team connects with parents and caregivers of children who have someone in their life with a substance use disorder and links the family to Trauma Focused Cognitive Behavioral Therapy.

6. **Early Intervention and Meaningful Mental Health Services:** It's impossible to discuss how to improve our criminal justice system without also talking about ways to improve access to mental health services. My office understands that mental illness is very often a driver of crime, from misdemeanors to serious felonies, and we have worked to balance the need of addressing this mental health crisis with keeping our communities safe.
 - a. We launched Mental Health Treatment Court for Misdemeanors earlier this year and continue to focus on Mental Health Treatment Court for felonies and other mental health diversion programs.
 - b. We work with hospitals and law enforcement partners to develop protocols and programs to better connect individuals who need it most to mental health wraparound services.
 - c. For individuals arrested, we advocate for mental health screening at precincts by licensed clinical social workers.
7. **Increased Collaboration with Community-Based Anti-Violence Groups and Violence Interrupters:** My office is proud to partner with community leaders, organizations, and non-violence groups like True 2 Life, Mothers Against Senseless Killings, Occupy the Block, the Canvas Institute and more to address the root cause of gun violence and work together to prevent it.

Over the past month, my office met with these groups to discuss the issue of gun violence and what we can do to engage with a person before they resort to carrying a gun. These were a series of incredibly informative and educational meetings. Gun violence and any form of violence for that matter does not occur in a vacuum. It is the result of poverty, food insecurity, housing instability, mental health resource deserts, and neighborhood neglect. We need more funding for our schools and afterschool programs. We need more mentors and job opportunities for communities in need and easier access to resources and information for those seeking it. Improved housing conditions and neighborhoods free of litter and graffiti to regain and instill a sense of pride in one's community. We need a criminal justice system that is dedicated

to working hand-in-hand with the community from your District Attorney down to your local beat cop. It's contingent upon all of us to do our part to steer folks in a positive direction and prevent gun violence before it ever even gets to that point.

8. **Fighting Extremism.** My office takes hateful rhetoric seriously and we understand that in many instances violent words can lead to violent actions. That is why we collaborate with local, state, and federal law enforcement partners, like the NYPD's Racially and Ethnically Motivated Extremism Unit ("REME"), to investigate extremism and hate organizations operating in our communities to prevent violent incidents before they occur.
9. **Partner with Businesses and Neighborhoods on Crime Prevention Strategies and Expansion of Surveillance Technology in Hot Spot Areas:** Making our communities safer is truly a team effort and my office continues to work with businesses and neighborhoods on crime prevention strategies to make these areas safer for everyone. This includes identifying hotspots for violence and deploying community stakeholders and strategic resources to improve safety. This may include installing enhanced lighting, improving overall public conditions, and installing surveillance technology.
10. **Expanding Services and Resources for Victims of Gun Violence:** Victims are often lost in the conversation about criminal justice reform, but my office continues to ensure the rights of crime victims are not forgotten. Our Victim Services Unit works to connect crime victims with services, but more resources must be made available to ensure victims of gun violence not only receive the justice they deserve but are given the tools to overcome the physical and emotional pain that comes with suffering a violent crime.

III. CONCLUSION

In closing, protecting New Yorkers and all Americans from the scourge of gun violence must remain a top priority for leaders across government and that is why my office will continue to join our many partners to send a unified and clear message that gun violence will not be tolerated in our communities. An issue this big cannot fall just on one person or group. It's contingent upon all of us to do our part to steer folks in a positive direction and prevent gun violence before it ever even gets to that point. We cannot afford to let any more time pass without taking significant action on this issue both from a legislative and community-based level, and I urge everyone to join us to amplify this message and take a stand against gun violence.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC SAFETY AND
COMMITTEE ON STATE AND FEDERAL LEGISLATION
JUNE 24, 2022**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chairs Hanks and Abreu, and members of the Committee on Public Safety and the Committee on State and Federal Legislation for holding this hearing today.

Gun violence in our communities is a public health crisis that has been exacerbated amid the compounding public health crisis of the ongoing COVID-19 pandemic. Gun violence is devastating to our communities—recent mass shootings left ten shot in Sunset Park, ten killed in a supermarket in Buffalo, and one dead and eight wounded in Harlem. Just yesterday, the Supreme Court struck down a New York law that required people to demonstrate a particular need for carrying a gun in order to get a license to carry one in public, allowing anyone who legally owns a firearm to carry it outside the home. I fear the effect this change will have on gun violence in our city and state.

Prior to the COVID-19 pandemic, levels of violence in New York City were at historic lows—with overall crime reaching a record low in 2020—due in part to a slow transition toward holistic, community-centered solutions, and building stronger ties between police and communities by ending practices such as stop and frisk. We must not only return to previously successful strategies but also implement new approaches, reimagine and redefine public safety as we uplift communities, particularly our low-income communities of more color that have been most impacted by gun violence. We should not rely on over-policing strategies we know cause harm, instead directly addressing the issue of gun violence and reshaping the systems and structures from which it takes root.

One major challenge New York City faces in combating gun violence is knowing exactly how many guns are circulating in the city, especially taking into consideration illegal “ghost guns”—guns that are sold in parts and assembled by an individual, making the sale of the gun untraceable—and 3-D printed firearms. That is why Introduction 0518-2022, introduced by Councilmember Abreu, is so necessary: it requires the Mayor’s Office to Prevent Gun Violence to coordinate with the NYPD to report on the illegal transportation of firearms, including where the gun was seized or surrendered; the type and manufacturer of the gun; and whether the gun is a ghost gun or 3-D printed gun. I strongly support the passage of this bill, and I want to thank Councilmember Abreu and the bill’s co-sponsors for working toward the goal of ending gun violence.

Finally, June is National Gun Violence Awareness Month. I have introduced Resolution 0093-2022, which recognizes June as Gun Violence Awareness Month in New York City. Gun

Violence Awareness Month has three goals: 1) to foster an inclusive environment that uplifts and supports gun violence survivors in an effort to ensure that families are not continuing to experience the devastating impact of gun violence; 2) a commitment to supporting services that enhance intervention and prevention initiatives to greater support individuals and communities plagued by gun violence; and 3) to amplify a comprehensive approach to promoting safety and wellness across New York.¹ While it cannot be heard at this hearing because there is not enough notice to the public, as June comes to an end, I urge the City Council to hear and pass this bill as soon as possible so we can ensure the city officially marks its first Gun Violence Awareness Month in June 2023.

There is no one person or policy that will end gun violence; it is a long-term, collaborative effort. I look forward to working closely with the City Council, the Mayor's Office, and community-based organizations to implement effective, holistic solutions in partnership with communities. Thank you.

¹ <https://www.gunviolenceawarenessmonth.com/>



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BROOKLYN DEFENDER SERVICES

Presented before

New York City Council

Committees on Public Safety and State and Federal Legislation

Public Hearing on Access to Firearms: City and State Efforts to Curb Gun Violence

June 24, 2022

My name is Jackie Gosdigian and I am a Senior Policy Counsel at Brooklyn Defender Services (BDS). BDS provides comprehensive public defense services to approximately 25,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Thousands of the people we serve are detained or incarcerated in the City jail system either while fighting their cases in court or upon conviction of a misdemeanor and a sentence of a year or less. We thank the Committee on Public Safety and Committee on State and Federal Legislation and Chairs Hanks and Abreu for the opportunity to address the Council about public safety and gun violence.

For over 25 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 educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

DEFEND • ADVOCATE • CHANGE

The City Council must not write a blank check to NYPD for surveillance

BDS is concerned about increased funding for surveillance programs, using the pretext that this will put an end to gun violence in New York City. Since January, much of the public political discourse around responding to current levels of gun violence has touted surveillance and policing-based investments as the New York City “solutions” to guns. For example, the Mayor’s Blueprint to End Gun Violence,¹ which he released shortly after being elected, touts the creation of a panopticon of surveillance technology. But there is nothing new or innovative about this technology deployment; New York already built this panopticon, and should instead dismantle it. The surveillance foundation of the Mayor’s Blueprint has been repeated in his proposals to deploy “gun detection” technology in our subways or speaker-armed drones in our neighborhoods. While technology and its attendant insights and conveniences are alluring in their seeming objectivity and infallibility, real-world application—divorced from marketing claims—demonstrates that technological solutions to law enforcement’s surveillance agenda merely replicate the biases and failures of our historical *Handschu*² and stop-and-frisk past without meaningful contribution to public safety.

New York City has already invested more than \$1 billion in a twenty-year surveillance infrastructure building program.³ The City is blanketed in surveillance⁴ and no police department in the country has more military-grade surveillance resources than the NYPD. These tools—already heavily invested in and deployed—did nothing to stop or ameliorate this claimed spike in violence in the first place.⁵ All they have accomplished is to expand a burgeoning surveillance state, repeatedly infringing on New Yorkers’ dignity, privacy, and First Amendment freedoms.⁶

Relevant surveillance technologies already owned, acknowledged, and deployed by the NYPD are outlined in detail in the Appendix and include closed-circuit television, x-ray vans, drones, the

¹ Available online at <https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2022/the-blueprint-to-end-gun-violence.pdf>.

² See “*Handschu v. Special Services Division (Challenging NYPD Surveillance Practices Targeting Political Groups)*” at <https://www.nyclu.org/en/cases/handschu-v-special-services-division-challenging-nypd-surveillancepractices-targeting>.

³ Ali Watkins, How the N.Y.P.D. is using Post-9/11 Tools on Everyday New Yorkers, *NYTimes* (Sept. 8, 2021) at <https://www.nytimes.com/2021/09/08/nyregion/nypd-9-11-police-surveillance.htm>

⁴ See, e.g., Amnesty International, Inside the NYPD’s Surveillance Machine at <https://banthescan.amnesty.org/decode/>.

⁵ Elizabeth Daniel Vasquez, Opinion: Reining in the NYPD’s Use of Surveillance Technologies, *City Limits* (Feb. 22, 2022) at <https://citylimits.org/2022/02/22/opinion-reining-in-the-nypds-use-of-surveillance-technologies/>.

⁶ 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/>; James Vincent, NYPD used facial recognition to track down Black Lives Matter activist, *TheVerge.com* (Aug. 18, 2020) at <https://www.theverge.com/2020/8/18/21373316/nypd-facial-recognition-black-lives-matter-activist-derrick-ingram>; Jan Ransom and Ashley Southall, N.Y.P.D. Detectives Gave a Boy, 12, a Soda. He landed in a DNA Database, *NYTimes* (Aug. 15, 2019) at <https://www.nytimes.com/2019/08/15/nyregion/nypd-dna-database.html>.

domain awareness system, license plate readers, facial recognition, and more. This vast investment did not put New York on a different gun violence trajectory than the rest of the country. Unlike public-health and community-based responses to gun violence, access to this menu of surveillance produces no quantifiable reduction in either gun possession or violence.

Take ShotSpotter as an example. In 2021, after an independent investigation conducted by journalists and academics, the Chicago Office of Inspector General’s Public Safety Section acted on the reported inquiry and data and conducted an investigation into the accuracy and deployment of the ShotSpotter system in the City of Chicago.⁷ The Chicago OIG concluded: “from its analysis that CPD responses to ShotSpotter alerts can seldom be shown to lead to investigatory stops which might have investigative value and rarely produce evidence of a gun-related crime. Additionally, OIG identified evidence that the introduction of ShotSpotter technology in Chicago has changed the way some CPD members perceive and interact with individuals present in areas where ShotSpotter alerts are frequent.”⁸

The technology deployed in New York City is identical to that deployed in Chicago. NYPD’s public statements regarding ShotSpotter’s deployment here—namely that deployment targets “high crime areas”—mimics precisely the Chicago Police Department’s statements about deployment. Despite our City’s investment in these listening systems, the data indicates that ShotSpotter is not resulting in a reduction in crime, but instead is contributing to over-policing in Black and brown neighborhoods.

Similarly, take the recently reported-on Gun Recidivist Investigation Program (GRIP) list. The list—a seemingly renamed, sleight-of-hand substitution for the embattled Criminal Group Database⁹—is an initiative of the Gun Violence Strategies Partnership. GVSP has been in existence for almost a decade, as framed by the deployment of former Mayor DiBlasio’s “Project Fast Track” in 2016. At the time of Fast Track’s announcement in 2016, the program emphasized that its NYPD arm would include “an extensive database that will aggregate forensic evidence from a variety of sources and help the police to track trends and identify offenders and groups.”¹⁰ The criteria for inclusion in any of these databases—the Gang or Criminal Group database, the GRIP list, or this Fast Track database—are unclear, troubling, and unmonitored. Deploying some version of this kind of data tracking for almost a decade now has done nothing to reduce “gun violence,” and instead has subjected specific communities and individuals to intense, long-term, and invasive surveillance.

⁷ The City of Chicago’s Office of Inspector General, *The Chicago Police Department’s Use of Shotspotter Technology* (Aug. 2021).

⁸ *Id.*

⁹ Eileen Grench, NYPD Gang Database Targeted By City Council Member, *The City*, September 15, 2021, Available online at <https://www.thecity.nyc/2021/9/15/22674782/nypd-gang-database-targeted-city-council>

¹⁰ <https://www1.nyc.gov/office-of-the-mayor/news/044-16/mayor-de-blasio-state-courts-project-fast-track-ensure-shooters-quickly#/0>

New Yorkers are already living in a house built by the runaway surveillance state; more floors in that house are both unnecessary and dangerous. A better plan for the future of this City and its people relies on true investment in its people—in housing, education, and medical and mental health care—and in proven solutions, not the failed technocratic policing visions of the mass incarceration era.

The City must redirect funding to Violence Interrupter Programs, Community Resources, and Post-Arrest Programming

To state that the NYPD does not offer a solution to violence is not a reckless or naive denial of the existence of violence and its impact on communities. Rather, it is a call for real solutions 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, 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.

It is time for this city to acknowledge the roots of this problem and how poverty and access to 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.

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

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.¹² 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.

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. The Brooklyn District Attorney, Eric Gonzalez recently announced that he plans to launch a restorative justice program to stop shootings. But even this “first of its kind” program is not an “alternative to incarceration,” and participants “will be those without pending matters before his office.”¹³ There is a severe lack of programming for young New Yorkers facing charges of alleged gun possession. In Brooklyn, there are only two available alternative to incarceration (ATI) programs: 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. 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

¹² <https://bds.org/latest/bds-testifies-before-the-nyc-council-on-nypds-gang-takedown-efforts>

¹³ Ben Brachfeld, EXCLUSIVE: Brooklyn DA to launch ‘restorative justice’ program bringing rival gang members together to stop shootings, *Brooklyn Paper*, June 22, 2022, Available online at: <https://www.brooklynpaper.com/exclusive-brooklyn-da-to-launch-restorative-justice-program/>



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.

More funding is needed for programming and alternatives to incarceration for post-arrest unlicensed gun possession cases. But, these alternatives will not be successful without buy-in from District Attorneys, because, as discussed below, harsh mandatory minimum sentencing for simple gun possession make non-jail options useless without DA consent. **It is important to note that at the time this testimony was written, both YCP and Project Redirect have been suspended and are no longer being offered by the Kings County District Attorney’s Office as an alternative to incarceration for anyone.**

Work with State leaders to address systemic issues with the unlicensed firearm possession punishment scheme

Since its enactment, New York’s firearm licensing laws have resulted in discriminatory policing and criminalization of Black and brown people living in urban low-income communities. As public defenders, we represent thousands of people each year, the vast majority of whom are young Black men who face years in prison *not* for firing a gun or committing an act of violence, but for simply possessing a gun. When someone in New York City is prosecuted for possessing an unlicensed firearm they are routinely charged with second-degree criminal possession of a weapon, a “violent felony” punishable by 3.5 to 15 years in prison. N.Y. Penal Law §§ 265.03; 70.02(1)(b). Prison is mandatory even if the person has no record and has never been arrested before.

New York is at an important crossroads for how its leaders will respond to gun violence and we implore the city council not to repeat failed policies of the past. Elected officials across the country and state are approaching the “war on guns” in a tragically similar way to the failed “war on drugs.” Decades of increased punishment for simple possession of an unlicensed firearm has contributed to the state’s crisis of mass incarceration for generations of Black and brown communities. Increasing prison sentences has not been proven to reduce gun violence, and the overuse of arrests for unlicensed gun possession is yet another method to target and incarcerate Black and brown men branding them “criminals” and “violent felons” for life.

We urge the Council, the Mayor, and the Governor to take a hard look at what has not worked in the past. Incarcerating generations of Black and brown New Yorkers through rigid and harsh mandatory minimum sentencing is not a solution to ending gun violence in this City.

Conclusion

Any effort to meaningfully reduce gun violence must start with community investment, by shifting resources away from policing and toward providing the support that individuals, families, and communities need to thrive. Part of this community centered approach includes violence



interrupter programs that prioritize the use of credible messengers. We applaud members of this Council that have supported and touted this type of community investment, but we must go further. We need to stop the use of overly invasive surveillance of communities, with little gain in public safety while sacrificing significant liberties and lives to surveillance's programmatic burdens and interventions. We need to invest in post-arrest programming and alternatives to incarceration, and until state elected officials pass long overdue legislation to end mandatory minimum sentencing, we need real buy-in from the District Attorneys in this city to consider mitigating factors, make reasonable plea-offers, and consent to alternatives to incarceration. Over-surveillance and mass incarceration have not stopped or ameliorated this claimed spike in violence in the first place. It is time for New York City to double down on its investment in public health and community-based solutions to community violence.

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

Appendix: NYPD’s Surveillance Technology and Information Sharing Networks

Surveillance Technology	Brief Definition	POST Act ¹⁴ Disclosure: Oversight Required?
Case Management Systems	Electronically stores and aggregates all of NYPD’s records and information.	“Court authorization is not required” PDF
Closed-Circuit Television (CCTV)	Provides real-time or recorded video feeds of the City directly to the NYPD or via request. 9,000 cameras were in the DAS live network as of 2016. ¹⁵	“[C]ourt authorization is not necessary” PDF
Cell-Site Simulators	Imitates a cell-phone tower to force all cell phones nearby to connect to the tower and reveal their locations and identities.	“[W]ill only be used for the time period authorized by search warrant” PDF
Criminal Group Database	Aggregates investigative assumptions and biometric/biographical information about community members who the NYPD labels as potentially gang-involved. As of 2019, the NYPD reports that the database is 98.5%% non-white.	“Court authorization is not required to use the Criminal Group Database.” PDF
Domain Awareness System (DAS)	Aggregates all surveillance, policing, and intelligence information which the NYPD accesses or generates, regardless of source—including sealed records, CCTV footage, and social media information for children as young as 12, among many other data points. NYPD officers then use the system to search all of that	“Court authorization is not necessary in order to use DAS.” PDF

¹⁴ In June 2020, the New York City Council enacted the Public Oversight of Surveillance Technology (POST) Act, which “requires the reporting and evaluation of surveillance technologies used by the NYPD.” [Int 0487-2018](#).

¹⁵ E.S.Levine, Jessica Tisch, Anthony Tasso, Michael Joy, *The New York City Police Department’s Domain Awareness System*, Interfaces at 4 (2017).

	information—for any reason—and to generate predictions based on that data.	
Data Analysis Tools	Organize data and allow search activity within and across structured and unstructured data. “[D]ata analysis tools are capable of processing and sharing audio, video, location, and similar information contained within NYPD datasets.”	“Court authorization is not required to use data analysis tools.” PDF
Digital Forensic Access Tools	Allow NYPD, using both physical devices and software, to extract, search and process data, including encrypted or inaccessible data, from electronic devices, like cellphones.	“In most cases... a search warrant allowing for the use of digital forensic access tools before the technologies are used during an investigation... Digital forensic access tools may also be used in the absence of court authorization with individual consent or if exigent circumstances exist.” PDF
Drone Detection Systems	Identify unmanned aircraft systems “[t]hrough the use of omni-directional, directional, and high-gain directional antennas and frequency sensors.” These systems monitor airspace to detect drones in flight, locate the drone and its operator, identify its speed and altitude, and track its flight path.	Generally, NYPD believes these systems to be exempt from state and federal regulation statutes and thus not requiring of court oversight, but acknowledges that warrants could be required in certain circumstances. PDF
Facial Recognition	Compares probe images to a database of known photos using algorithmic processing. NYPD claims not to use this technology in real time, but only for historical crime investigation. However,	“The NYPD does not seek court authorization prior to the use of facial

	the Department has the real-time technical capability.	recognition technology” PDF
GPS Tracking Devices	Provides real-time location information for the item or person to which the device is attached.	“In most cases, NYPD investigators must first obtain a search warrant” PDF
License Plate Readers (LPR)	Capture images of license plate numbers, convert images to text, and save the location, date, and time into the Domain Awareness System. As of 2017, 2 billion license plate readings were included in DAS. ¹⁶	“Court authorization is not sought prior to NYPD use of LPRs” PDF
Manned Aircraft Systems	Support “operational capabilities” through on-board “video, radar and temperature and location sensor technologies.”	“The NYPD does not seek court authorization prior to the use of manned aircraft systems.” PDF
Media Aggregation Services	Automates the process of scraping the internet for video images, photographs, location data, and online speech and then search and analyzing that data.	“Court authorization is not necessary in order for the NYPD to use media aggregation services.” PDF
Mobile X-Ray Technology	Utilizes mobile x-ray devices to scan cars, structures, and other objects.	“The NYPD does not seek court authorization for its limited use of mobile x-ray technology.” PDF
ShotSpotter	Purports to detect audio associated with gunshot and capture time, location, and audio recording of sound. Research has demonstrated that ShotSpotter’s error rates are substantial ¹⁷ and many cities have	“Court authorization is not necessary” PDF

¹⁶ *Id.*

¹⁷ See, e.g. Juan R. Aguilar, “*Gunshot Detection Systems in Civilian Law Enforcement*,” 63(4) J. Audio Eng. Society 280, 287 (2015) (noting that studies of ShotSpotter’s accuracy show that only 67% of activations on average are actually produced by real gunshots, and that the rate of misidentifications of gunfire may be as high as 58%); Michael Litch & Georg A. Orrison, “*Draft Technical Report For SECURES Demonstration in Hampton and Newport News, Virginia*,” National Institute of Justice, at 5, 26, 40 (2011) (noting that for both cities studied using a precursor of ShotSpotter “[t]he cost of the high number of false positives represented a significant problem” & reporting a false positive rate as high as 54% during live-fire tests for the city of Hampton); Lorraine G. Mazerolle, et al., “*Field Evaluation of the ShotSpotter Gunshot Location System: Final Report on the Redwood City Field*

	found that significant resources are wasted responding to a high volume of false alarms. ¹⁸	
Social Network Analysis Tools	Reviews, processes, and retains information from social media platforms, like Facebook, Twitter, and Instagram. Provides real-time alerts to new activity on designated accounts. Builds social networks, mapping the connections of New Yorkers online and in real life.	“The NYPD does not seek court authorization prior to using social network analysis tools.” PDF
Situational Awareness Cameras	Enables the NYPD to deploy cameras from a distance through the use of remote controlled robots, poles or extenders, etc. The NYPD “Digidog” was an example of this.	“The NYPD does not seek court authorization before using situational awareness cameras.” PDF
Thermographic Cameras	Utilizes thermal imaging or infrared to create heat-signature images, allowing the NYPD to make observations in conditions that “prevent[] traditional observation such as darkness, smoke or gas.”	“The NYPD does not seek court authorization prior to use of thermographic cameras.” PDF
Unmanned Aircraft Systems (UAS)	Allows for aerial surveillance through the use of multi-zoom camera and thermal imaging equipped drones	“[C]ourt authorization is not required” PDF
WiFi Geolocation Tracking Devices	“Identify and estimate the geographic position of WiFi connected devices in real time.”	“[T]he NYPD would not seek court authorization prior to using the device.” PDF

Trial,” U.S. DEPT. OF JUSTICE, at 20 & 25 (2000) (finding a false negative rate of over 20% despite researchers changing their methodology mid-experiment in ways that “greatly assisted the ability of ShotSpotter to achieve a higher true positive rate”).

¹⁸ See, e.g., MacArthur Justice Ctr., *ShotSpotter Creates Thousands of Dead-End Police Deployments that Find No Evidence of Actual Gunfire* (2021), <https://endpolicesurveillance.com/>; Litch & Orrison, “*Draft Technical Report For SECURES Demonstration in Hampton and Newport News, Virginia*,” NATIONAL INSTITUTE OF JUSTICE, at 40 (false alert rate of 63% in Hampton and 66% in Newport News); Nick Selby & David Henderson, “*ShotSpotter Gunshot Location System Efficacy Study*,” Nat’l Org. Black Law Enforcement Exec., at 25 (2011) (dispatchers on average report that 33% or more of ShotSpotter activations are false positives); Vivekae M. Kim, “*Eyes and Ears in Cambridge*,” THE CRIMSON (Oct. 10, 2019), available at <https://www.thecrimson.com/article/2019/10/10/shot-spotter/> (reporting a false positive rate of 82% for the city of Cambridge); Matt Drange, “*ShotSpotter Alerts Police To Lots Of Gunfire, But Produces Few Tangible Results*,” Forbes.com (Nov. 17, 2016), available at <https://www.forbes.com/sites/mattdrange/2016/11/17/shotspotter-alerts-police-to-lots-of-gunfire-but-produces-few-tangible-results/?sh=6e633bde229e> (each of seven cities studied had extremely high rates of unfounded ShotSpotter alerts, for example more than 70% of alerts in Milwaukee were unfounded).

Hi, my name is Christine Ramirez, I am a parent leader with the Parent Action Committee. I am a parent association President at PS 35 in District 9 in the Bronx, as well as also being a part of the Student Leadership Team.

I went to John F Kennedy high school, it was a violent school with many metal detectors and school cops. The over-policing was a stress to my mother to walk into a school with metal detectors and school cops, as she felt like she had taken me to a prison. I felt like a prisoner to the school system rather than a student yearning to learn.

Research shows that, over time, just seeing police in schools may negatively affect students' mental health. 81% of students surveyed see police at school at least once a day. But only 7% have daily interactions with school counselors and social workers.

I have two Puerto Rican children, one 8 and 9, in District 9 in the Bronx. Without police-free schools, my children have asked me terrified when they've come home: "mommy why are there so many police in my school?" and how could I tell them the system and the police in their schools have been used to harm them as Brown students oftentimes more than to help them.

In New York City , Black and Latinx youth represent 91% of all arrests, despite being only 66% of the student population.

We need to provide a space where students can speak about their troubles and dreams, a safe space that can be given and provided by a guidance counselor/social worker in their schools.

We need to do this for the Black and Brown students, who are voiceless against a system that oppressed them. They deserve a voice and to take a stand against school policing that has for decades hurt their chance at a life of success.

It is an injustice that NYC has more school police than school counselors, school social workers, or restorative justice coordinators.

NYC MUST spend \$75 million to hire 500 new school counselors and \$75 million to hire 500 new school social workers. School counselors and social workers provide mental, emotional, and academic support for us that is badly needed.

please stand up New York against the school to
prison pipeline



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STATEMENT OF
JULIAN MELENDI
SUMMER ASSOCIATE
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT, INC.

BEFORE THE
COMMITTEE ON PUBLIC SAFETY
&
COMMITTEE ON STATE AND FEDERAL LEGISLATION

FOR A HEARING CONCERNING,
ACCESS TO FIREARMS: CITY AND STATE EFFORTS TO CURB GUN VIOLENCE

SUBMITTED
June 24, 2022

Good morning, my name is Julian Melendi, and I am a Summer Associate with the Surveillance Technology Oversight Project (“STOP”). STOP advocates and litigates for New Yorkers’ privacy, fighting discriminatory surveillance. I am also a Fellow at Yale Law School’s Arthur Liman Center for Public Interest Law and a Fellow at Yale Law School’s Information Society Project. I commend the committees for calling this critical hearing on the growing epidemic of gun violence that plagues both our nation and New York City and appreciate the chance to speak on the importance of adopting evidence-based solutions to combating gun violence during this dire moment.

As gun violence continues to shatter families and brutalize the bodies of our neighbors, New York, and other states, and the federal government, must avoid error-prone, biased, and invasive pseudoscience that is being marketed as the solution. We all want to stop this senseless violence and end the American gun epidemic, but police technology vendors are exploiting this crisis to sell broken technology that will fail the American people. I am here to demonstrate the harms of biased and faulty technology and remind the committee to look toward evidence-based solutions to the gun crisis.

Historically, the New York City Police Department (“NYPD”) has used public safety crises as an excuse to deploy novel and highly invasive surveillance technologies ultimately undermining public safety and democracy itself. The NYPD used private and federal funds, without any disclosure to the lawmakers we depend-on to oversee our police forces. With this unaccountable funding, the NYPD was able to deploy tools like facial recognition, X-Ray vans, automated license plate readers, and “stingrays,” fake cell towers that collect sensitive location and communications data.¹ Like many of the NYPD’s new tools, stingrays spy not only on the target of an investigation, but also on untold numbers of innocent bystanders.² Moreover, facial recognition technology discriminates against Black and Latinx New Yorkers and jails innocent people.³ We fear that technology pushed as the solution to gun violence will follow a similar pattern, proving intensely invasive, discriminatory, and, to be frank, just won’t work.

One alarming example is the NYPD’s contract with ShotSpotter. The system uses microphones to listen for gunshots, but it sometimes fails to differentiate between muzzle blasts, the bang of fireworks, cars backfiring, and New York City construction noise.⁴ Using inflated accuracy statistics, ShotSpotter courts police departments with misleading advertising.⁵ The NYPD pays \$22 million for the service.⁶ In reality, all available evidence suggests that ShotSpotter fails the public, a costly and inept system with no apparent impact on gun violence.⁷

¹ <https://www.nytimes.com/2016/02/12/nyregion/new-york-police-dept-cellphone-tracking-stingrays.html>

² <https://www.nytimes.com/2016/02/12/nyregion/new-york-police-dept-cellphone-tracking-stingrays.html>

³ <https://www.nist.gov/publications/face-recognition-vendor-test-frvt-part-2-identification>

⁴ <https://www.thecity.nyc/2020/7/5/21312671/shotspotter-nyc-shootings-fireworks-nypd-civil-rights>

⁵ <https://www.eff.org/deeplinks/2021/07/its-time-police-stop-using-shotspotter>

⁶ https://www.checkbooknyc.com/smart_search/citywide?search_term=shotspotter*!*domain=contracts

⁷ Doucette, M.L., Green, C., Necci Dineen, J. et al. Impact of ShotSpotter Technology on Firearm Homicides and Arrests Among Large Metropolitan Counties: a Longitudinal Analysis, 1999–2016. *J Urban Health* 98, 609–621 (2021).

ShotSpotter alerts bring police to neighborhoods looking for active shooters, increasing the risk of police shootings in overpoliced Black and Latinx communities where ShotSpotter installations are concentrated.⁸ The consequences can be deadly for residents caught in the crossfire.

Take the tragic story of Adam Toledo, for example.⁹ Adam, just 13 years old, was chased, shot and killed by Chicago police within five minutes of a ShotSpotter alert bringing officers to his neighborhood. Rochester police offers shot another young man dead¹⁰ in a traffic stop following a ShotSpotter alert. No less than ten NYPD officers¹¹ fired on and killed a man following a ShotSpotter alert in Crown Heights.

A large study conducted by Chicago Office of the Inspector General, a nonpartisan oversight agency, of ShotSpotter, which analyzed over 50,000 ShotSpotter alerts in Chicago, showed that it infrequently produces evidence of crimes.¹² It leads to investigations even less frequently.¹³ It does not lead to the recovery of many guns.¹⁴ And unsurprisingly, it has changed the way police interact with city residents for the worse.¹⁵ ShotSpotter is not the answer to America's nor NYC's gun violence epidemic.

Second, let's discuss Evolv. Evolv is a high-end metal detector company that has gained the national spotlight after some recent shootings.¹⁶ Mayor Adams has proposed the idea of installing such systems in subways to detect weapons. However, the metal detectors are error-prone: they can't reliably tell the difference between a gun and a cell phone or an umbrella. In fact, when a school in Illinois tested Evolv's scanners, Chromebook laptops prompted alerts 60 to 70 percent of the time.¹⁷ Given these accuracy problems, it's no surprise that Evolv's own marketing materials also admits their systems only flag a confirmed threat 0.8 percent of the time.¹⁸ When an individual is flagged by the detector, they are taken to secondary screening, which can cause significant delays for riders, nearly all of whom are flagged for innocuous reasons.

These errors would give the NYPD a pretext to search BIPOC New Yorkers, replicating the terror of stop and frisk.

⁸ <https://www.vice.com/en/article/88nd3z/gunshot-detecting-tech-is-summoning-armed-police-to-black-neighborhoods>

⁹ <https://thehill.com/homenews/state-watch/549612-police-technology-under-scrutiny-following-chicago-shooting>

¹⁰ <https://www.rochesterfirst.com/crime/police-investigation-underway-on-westside-of-rochester/>

¹¹ <https://www.nytimes.com/2020/06/03/nyregion/police-shooting-nypd-brooklyn.html>

¹² <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

¹³ <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

¹⁴ <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

¹⁵ <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

¹⁶ <https://www.politico.com/news/2022/04/13/adams-weapon-technology-new-york-subway-shooting-00024978>

¹⁷ https://www.news-gazette.com/news/local/education/testing-their-metal-vendor-demonstrates-detectors-at-champaign-high-schools/article_0b5e15e3-ee1b-53d4-98e2-fb0dce24d0fc.html

¹⁸ <https://www.nysfocus.com/2022/05/10/evolv-weapons-detectors-subway/>

It's inconceivable that we could truly ever install such systems at every train station, turning turnstiles into TSA checkpoints.¹⁹ The millions spent purchasing detectors for each of the 1,928 subway entrances would quickly be dwarfed by the expense of deploying thousands, tens of thousands of officers to operate them.

Not only does this Council need to look skeptically at any new NYPD surveillance purchases, but it's also long past time to hold the agency to account for past practices. In June 2020, S.T.O.P. and our partners worked with the Council to enact the Public Oversight of Surveillance Technology, or POST, Act, requiring the NYPD to publicly report its surveillance technology usage to the public. Since the POST Act was enacted, the NYPD has systematically failed to comply, publishing policies that are designed to block, not inform, the public. Every day, the NYPD continues to flout this council and the rule of law, ignoring requirements you and your predecessor's past to reaffirm community control over police surveillance. I urge you in the strongest possible terms to hold an oversight hearing on this matter and the NYPD's brazen breach of the POST Act.

The conclusion is clear: when the city adopts fancy technology in the name of public safety, it wastes money and hurts BIPOC residents. In this dire moment when gun violence is worse than ever, we must turn toward evidence-based solutions that do not infringe on privacy rights and fuel the mass surveillance apparatus. I thank you for your time.

¹⁹ <https://www.nysfocus.com/2022/05/10/evolv-weapons-detectors-subway/>

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/24/22

(PLEASE PRINT)

Name: Deputy Inspector John Hall

Address: 1 Police Plaza, NY, NY

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/24/22

(PLEASE PRINT)

Name: Director Michael Clarke

Address: 1 Police Plaza, NY, NY

I represent: NYPD

Address: _____

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in favor in opposition

Date: 6/24/22

(PLEASE PRINT)

Name: Director Nicole Berkovich

Address: 1 Police Plaza, NY, NY

I represent: NYPD

Address: _____

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Appearance Card

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Date: 01/24/2022

(PLEASE PRINT)

Name: Deanna Logan, MOCJ, Director

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre Street, 10th FL

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Date: _____

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Name: Molly Slothower

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre St, 10th FL

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Appearance Card

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Date: 6/24/2022

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Name: Karina Christiansen

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre St, 10th FL

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Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julian Melendi

Address: Reinhart Way, Basking Ridge NJ 08807

I represent: Surveillance Technology Oversight Project

Address: 70 Peeter St, 9th Floor, NY NY 10006

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