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**DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD ("OIG-NYPD") REVIEWS NYPD'S RESPONSE TO
OIG-NYPD'S 2023 RECOMMENDATIONS CONCERNING THE CRIMINAL GROUP DATABASE**

The Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") released a Report today assessing the status of OIG-NYPD's recommendations to the New York City Police Department ("NYPD") concerning NYPD's Criminal Group Database. Seventeen recommendations were made in OIG-NYPD's 2023 Report "[An Investigation Into the Criminal Group Database](https://www.nyc.gov/site/doi/oignypd/web/report.page)." Of these 17 recommendations, 11 were accepted, five were rejected, and one was placed under consideration. Today's Report focuses on eight of the 11 accepted recommendations, finding four have been fully implemented and four partially implemented. (Of the remaining three, two have been fully implemented and one is not yet implemented.) Today's Report, based on OIG-NYPD's review, issues 13 new recommendations to NYPD to ensure the Department's compliance with current policies and to further enhance transparency in its use of the Criminal Group Database ("CGD"). A copy of OIG-NYPD's Report is attached to this release and can be found at this link: <https://www.nyc.gov/site/doi/oignypd/web/report.page>

DOI Commissioner Jocelyn E. Strauber said, "This Report assesses the implementation status of eight recommendations accepted by NYPD in 2023, and shows that NYPD has made substantial improvements to its handling of the database. Today we make 13 additional recommendations to build on those improvements and to ensure continued compliance with NYPD policies. DOI's OIG-NYPD will continue to pursue full implementation of our 2023 recommendations and the recommendations in this Report in the coming months."

OIG-NYPD Inspector General Jeanene L. Barrett said, "Our updated review of the Criminal Group Database shows that NYPD has fully implemented four of the eight recommendations that we reviewed in this Report, and partially implemented the remaining four. While NYPD's progress is encouraging, more needs to be done to ensure that the database functions as it is intended, including timely review of each individual in the database to determine whether continued inclusion is warranted."

As of December 2022, there were 16,141 individuals included in the CGD, 98% of whom were male, identified as Black or Hispanic and below 42 years in age. As of June 2024, the number of individuals in the database had decreased by slightly over 13% to 13,989, and as of October 2025, the numbers had declined by 39%, to 8,563. The demographics of the individuals in the database has remained largely consistent; predominately Black and Hispanic men between the ages of 18 and 34.

This Report focuses on eight accepted recommendations made in the March 2023 Report. NYPD accepted Recommendation 2, which called on NYPD to revise its Impact and Use Policy for the CGD, to more clearly describe the CGD's activation, renewal, and deactivation processes; explain the nature and extent of the evidence required to satisfy the entry criteria; and identify by name the law enforcement and

more

other external entities with whom NYPD may share information about the individuals included in the CGD, among other requirements. Seven additional accepted recommendations proposed specific CGD-related policy changes for inclusion in NYPD's written policies. NYPD updated its policies in October 2023 and today's Report concludes that these updated policies follow the 2023 Report recommendations accepted by the Department. However, there are still areas where the Department's policies can be clarified and improved.

Below are the eight accepted policy and procedure recommendations issued in OIG-NYPD's 2023 Report that were assessed in this Report:

Accepted Recommendations	
Rec. 2	Within 180 days, NYPD should revise the Impact and Use Policy ("IUP") for the CGD to describe the activation, renewal, and deactivation processes, explain the nature and extent of the evidence required to satisfy the entry criteria, and identify by name the law enforcement and other external entities with whom NYPD may share information about the individuals included in the CGD, for investigative or other purposes. The document should also describe the security protections that prevent unauthorized parties, within or outside of NYPD, from accessing the CGD.
Rec. 3	NYPD should require a multilevel review process (memorialized in writing) for the activation, renewal, and deactivation of all entries in the CGD, supported by the signature of each reviewer where required.
Rec. 4	NYPD should provide written guidance to officers explaining how to apply the Option A and B entry criteria, including examples of the type and extent of evidence that is sufficient for activation.
Rec. 5	NYPD should provide written guidance for officers about how to complete the Person Maintenance, Activation, and Renewal DD5s for the maintenance and entry of individuals into the CGD and should include a requirement that available documentation be attached to the DD5s to substantiate that entry criteria are satisfied.
Rec. 6	NYPD should create a list of police encounters and arrest types that constitute "qualifying police contact," for purposes of renewal determinations, to be used by officers responsible for deciding whether to renew or deactivate individuals from the CGD.
Rec. 11	NYPD should notify parents or guardians of minors that their children have been included in the CGD, within 60 days of inclusion, unless notification would interfere with active criminal investigations.
Rec. 13	NYPD should ensure that officers completing Person Maintenance, Activation and Renewal forms do not have access to sealed arrest information for that purpose, including, but not limited to ensuring that these DD5 forms do not autofill with sealed arrest information, unless explicitly authorized by law.
Rec. 14	NYPD should not consider sealed arrests when making CGD activation and renewal determinations.

For this review, OIG-NYPD analyzed database entries and the associated DD5s for a sample of 531 individuals in the database, to evaluate NYPD's implementation of the 2023 recommendations. In particular, the DD5s were used to assess the Department's implementation of six Recommendations (3-5, 11, 13 and 14), based on NYPD's updated and new policies issued pursuant to Recommendations 2 and 6. Based on the documents provided by NYPD, OIG-NYPD makes the following findings:

1. NYPD updated its CGD IUP within 88 days of accepting Recommendation 2. The updated IUP described the activation process, and the changed criteria for renewal and deactivation of individuals. However, the IUP did not identify by name the law enforcement or external entities with whom the Department may share information. As a result, **Recommendation 2 is considered partially implemented.**
2. Consistent with the findings from the 2023 Report, the renewal and deactivations are not reviewed by a supervisor or otherwise subject to a multilevel review process, contrary to the 2023 recommendation which NYPD had accepted. NYPD policy requires a multilevel review

process for activations but there is no process written into policy for renewals and deactivations, as a result, **Recommendation 3 is partially implemented.**

3. NYPD has issued an internal memorandum describing in detail the activation, renewal, and deactivation processes, discussed the types of evidence necessary to support activation into the CGD, memorialized in writing the multilevel authorization process for activation, provided some guidance related to completing the Person Maintenance and Activation DD5s, explained the youth notification process for those under 18 activated into the CGD, and provided updated entry criteria. Despite this guidance, some reporting officers completed the Activation DD5s incorrectly. For example, on DD5s where two independent sources were required, there were reporting officers who listed themselves as one of the two sources. In another instance, the reporting officer listed themselves as an independent source when the selected entry criteria did not require that a source be named to support the activation. These findings were limited to a select few reporting officers. As a result, **Recommendation 4 is considered implemented.**
4. NYPD updated its IUP to include written guidance for the completion of Activation DD5s, which notes “a written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry.” However, the IUP fails to provide specific details about the required content of that narrative or supporting documentation. The Chief of Detectives Memorandum does provide sufficient direction, including more detail about the type of support necessary for the nomination. **This finding is associated with Recommendation 4 and is therefore considered implemented.**
5. NYPD generally improved the nature and extent of the narrative details and other supporting evidence included in the Activation and Person Maintenance DD5s. The DD5s included more details within the narrative section. Officers included urls when required except in a few instances, as well as relevant screenshots for all individuals activated under Option A (1).¹ However, in the instance where two independent sources were identified for activation, the information derived from the sources to justify a nomination was general in nature, appearing to be boilerplate language. Some sources did not provide any context for their “reasonable belief” of an individual’s criminal group membership. Supportive narratives from sources generally stated that “in conference with the field intelligence officer, they had knowledge that the individual was a member of, or known to the precinct as a member of a specific gang.” Because NYPD has provided written guidance about the application of the entry criteria, **Recommendation 4 is considered implemented; however, officers should be instructed to document the specific information from independent sources that supports a determination of gang membership.**
6. While NYPD updated its CGD IUP and issued a Chief of Detectives Memorandum to address the circumstances that can justify renewal, it provided limited guidance related to the completion of renewal DD5s within the IUP. However, the Chief of Detectives Memorandum does state if an individual remains within the database NYPD’s Real-Time Crime Center/Social Media Analysis Unit (“RTCC/SMART”) must include supporting documentation for continued inclusion. Since the Chief of Detectives Memorandum states that supporting documentation must be included for continued inclusion, **Recommendation 5 is considered implemented.**
7. Within its IUP, NYPD changed those who could recommend someone for entry from a precinct field intelligence officer, an investigator assigned to a Detective Bureau Gang Squad, or an investigator assigned to the Social Media Analysis and Research Team, to NYPD personnel from the Intelligence Bureau, Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands. According to NYPD, these individuals have narrow investigative functions with a focus on high-crime areas and gang-related activity, and therefore are the appropriate units to nominate individuals into the CGD.
8. With respect to qualifying conduct that justifies renewal into the database, (**Recommendation 6**), NYPD has updated its IUP to include an arrest “for a violent crime, possession of a weapon,

¹ Option 1 is when an individual admits their membership within the criminal group to a member of NYPD, or admits by using language and symbols of membership on their own social media account.

or any other crime committed in furtherance of the criminal group's activities" as qualifying conduct that is sufficient for renewal. As a result, **Recommendation 6 is considered implemented.**

9. In the updated IUP and the Chief of Detectives Memorandum, NYPD included a new Youth Coordination Officer ("YCO") parental/guardian notification process for those under the age of 18, with notification required to take place within 60 days after activation into the database. Despite the updated IUP and the Chief of Detectives Memorandum, the Department failed to complete any notifications. The Office brought this issue to NYPD's attention, and NYPD advised that a new procedure will be implemented that will require the nominating detective, not the YCO, to notify the juvenile's parent or guardian. That procedural change is still pending. As a result, **Recommendation 11 is considered partially implemented.**
10. NYPD updated the IUP and Chief of Detectives Memorandum to note that inclusion in the CGD cannot be based on a sealed arrest; however, these updated policies do not address the issue of ensuring that officers do not have access to sealed arrest information. DD5s clearly indicate that an arrest has been sealed, and information such as the complainant or narrative about the incident are unavailable. However, the arrest number, arrest, and top arrest charge are still visible on DD5s. The Department has represented to this Office that it plans to change the activation and renewal DD5s so that they no longer contain this information, but this change has not yet been made. As a result, **Recommendation 13 is considered partially implemented.**
11. As noted above, NYPD included in the updated IUP and Chief of Detectives Memorandum that inclusion in the CGD cannot be based on a sealed arrest. There were 10 DD5s reviewed by OIG-NYPD that included cases where renewals were based on an arrest and all of the arrests were sealed at the time of OIG-NYPD's review. The Office confirmed that four of the ten renewals were based on arrests that were sealed at the time of the renewal determination, but those four determinations were made prior to the issuance of the Chief of Detectives Memorandum that made clear that renewal cannot be based on a sealed arrest. The other six arrests were sealed after the renewal determination, meaning that they were unsealed at the time the renewal determination was made, and appropriately relied on at that time. As such, **Recommendation 14 is implemented.**
12. The 2023 Report found that the average delay for the review of entries was 69.1 days for the entire sample, 28.9 days for adults, and 188.9 days for minors. For this review, delays were even longer with at least 151 entries (48 minors and 103 adults) between 6 and 60+ months past due at the time of their renewal or deactivation. OIG-NYPD conveyed those figures to NYPD during the course of this investigation and NYPD promptly undertook efforts to reduce any remaining delays. NYPD now represents that the maximum delay for renewal and deactivation review is eight days.
13. The IUP and Chief of Detectives Memorandum makes it clear that those under 18 at the time of activation or renewal must be reviewed every two years from the date of that activation or renewal and those 18 years or older at the time of activation or renewal must be reviewed every three years from the date of that activation or renewal. The Office's investigation found that the automated review system incorrectly extended the review time from two years to three years if a person was activated at 16 or 17 and turned 18 prior to their two-year review period. There were 59 individuals under 18 who were reviewed as part of this update. Forty-eight individuals were delayed for review from 6 to 60 months. According to NYPD this was due to a vendor coding error that has now been corrected. Moving forward those activated at 16 or 17 will be reviewed at their two-year review period.

Based on these findings, OIG-NYPD issued 13 new policy and procedure recommendations:

1. Ensure that all uniformed personnel authorized to nominate individuals into the CGD receive training about the requirements of the IUP and the Chief of Detectives Memorandum.

2. Update the IUP and Chief of Detectives Memorandum to require the two independent reliable sources to provide substantive explanations for their reasonable belief of an individual's criminal group membership and to document those explanations on activation DD5s.
3. Update the IUP and Chief of Detectives Memorandum to clarify that the two independent sources should be different from the reporting officer.
4. Update the IUP to mirror the detailed guidelines included within the Chief of Detectives Memorandum.
5. Update the IUP and Chief of Detectives Memorandum to reflect a multilevel review process for renewals and ensure that a supervisor reviews and signs off on all renewal DD5s, as previously recommended and accepted by the Department, and list the required supporting documentation.
6. Update the IUP to require the nominating detective to notify the juvenile's parent or guardian within 60-days of activation into the CGD.
7. Update the IUP and Chief of Detectives Memorandum to ensure that renewal and activation DD5s include a required field containing the individual's next review date.
8. Create, and memorialize in writing, an internal audit requirement to ensure that notifications to parents of minors added to the database are made, that the associated Notification DD5s are completed, and that the notification appears in a new column within the database as required by the Chief of Detectives Memorandum.
9. Confirm whether any individual activated at age 16 or 17 has been in the database for over two years without a review, due to the coding error identified above, and review any such individual to determine whether they should be renewed into the database or deactivated.
10. Ensure that supporting documentation is included for all renewals.
11. Conduct quarterly audits to ensure that there are no past due entries for review, and if there are, renew or deactivate them immediately.
12. Review individuals renewed based on an arrest every six months to ensure that renewals are not based on arrests that are subsequently sealed. NYPD should at minimum explore whether it is feasible to audit renewals for this purpose.
13. Collect, analyze, and publish data concerning the number of entries added, renewed, and deactivated from the database annually

This report was prepared by DOI's Office of the Inspector General for the NYPD, specifically, Inspector General Jeanene L. Barrett with the assistance of Deputy Inspector General Lesley Bedeau, Data Analyst Stephen Elin, Director of Data Analytics Shyam Prasad, Special Counsel to the Inspectors General Maria Paolillo, and Director of Intergovernmental Affairs and Special Counsel Rebecca Chasan, and was supervised by Deputy Commissioner of Strategic Initiatives Christopher Ryan and Deputy Commissioner/Chief of Investigations Dominick Zarrella.

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New York City Department of Investigation
Office of the Inspector General for the NYPD



Update on NYPD's
Implementation of
DOI's 2023 Criminal
Group Database
Recommendations

October 2025

Jocelyn E. Strauber
Commissioner

Jeanene L. Barrett
Inspector General

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I. Executive Summary*

In April 2023, the Office of the Inspector General for the NYPD (“OIG-NYPD” or “the Office”) released its public report summarizing a multiyear assessment of the New York City Police Department’s (“NYPD” or “the Department”) Criminal Group Database (“CGD” or “database”). According to NYPD, the database, which the Department began using in 2013, is intended to support the investigative and public safety efforts of officers by making available to them details about alleged gang members and intelligence relating to criminal groups. The 2023 report concluded, among other findings, that:

- NYPD did not provide sufficient guidance for officers regarding the criteria used to add an individual’s name to the database (referred to as “activation”)
- NYPD’s methods to add individuals’ names to the CGD were deficient
- The documentation purporting to support the inclusion and renewal of entries in the database (that is the conclusion, upon review, that an individual should remain in the database) was deficient
- NYPD lacked any process for notifying parents that their minor childrens’ names were added to the database
- NYPD lacked documentation of key policies and practices related to the use of the database

On the basis of those findings, OIG-NYPD issued 17 recommendations for improvement. NYPD accepted 11, rejected five, and placed one under consideration. The Report focuses on the implementation status of eight of the 11 accepted recommendations, finding four were fully implemented and four were partially implemented. OIG-NYPD also notes that two of the remaining three recommendations have been fully implemented, and no progress has been made on third recommendation.

NYPD accepted a recommendation that the Department revise its Impact and Use Policy (“IUP”) for the CGD “to describe the activation, renewal, and deactivation processes, explain the nature and extent of the evidence required to satisfy the entry criteria, and identify by name the law enforcement and other external entities with

*DOI Commissioner Jocelyn E. Strauber and Inspector General Jeanene L. Barrett thank DOI staff for their assistance in producing this Report, specifically, Lesley Bedeau, Deputy Inspector General (OIG-NYPD); Stephen Elin, Data Analyst; Shyam Prasad, Director of Data Analytics; Maria Paollilo, Special Counsel to the Inspectors General; and Rebecca Chasan, Director of Intergovernmental Affairs and Special Counsel. Appreciation is extended to the New York City Police Department for their assistance and cooperation during this review.

whom NYPD may share information about the individuals included in the CGD, for investigative or other purposes...[and to] describe the security protections that prevent unauthorized parties, within or outside of NYPD, from accessing the CGD” (Recommendation 2).¹ To implement this recommendation, NYPD updated the IUP for the CGD on October 13, 2023 and issued a Chief of Detectives Memorandum on October 11, 2023.

As part of its IUP update, NYPD limited the activation criteria, narrowing the basis on which individuals could be added to the database, and made changes to the officers within the Department responsible for nominating individuals for entry. The Department also clarified the multilevel review process for activation.² For those under the age of 18, the IUP provided details of a newly created parental notification process—a Youth Coordination Officer (“YCO”) within the individual’s resident precinct makes the notifications. The IUP also provided guidance for proposing that an individual be added to the database, noting that supporting documentation must be included with the nomination paperwork.

The Chief of Detectives Memorandum, essentially an extension of the IUP, provided more detailed guidelines. The memorandum included specific information related to the completion of the Activation and Person Maintenance DD5s,³ documentation required to add or renew an individual into the database—including the inclusion of a social media address URL and screenshots of posting(s), and the requirements for each level of review including signatures. Finally, the memo provided details of the youth notification process, that includes a YCO notification to the guardian, and the completion of a “YCO Criminal Group Member Notification” DD5 that will verify the notification or attempted notification(s) until the guardian is contacted.

While those policy updates followed the recommendations accepted by the Department, the Office’s review identified areas still in need of improvement. Reporting officers need more direction to complete activation DD5s, and should also be instructed that a multilevel review and approval process must be followed to maintain an individual in the database. Furthermore, our investigation found that

¹ N.Y.C. DEP’T OF INVESTIGATION, OFF. OF THE INSPECTOR GEN. FOR THE NYPD, *AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (2023), <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

² The multilevel review process includes review and approval of the activation DD5 by the immediate supervisor of the NYPD investigator from the nominating command, and then a secondary review and approval by the RTCC/SMART supervisor.

³ A DD5 is a broad category of forms that document NYPD officers’ interactions with the public. An Activation DD5 is completed to activate an individual into the CGD, while a Person Maintenance DD5 preserves law enforcement information related to the individual.

there were database programming issues that resulted in the inaccurate determination of ages for adults and minors within the database, and separately, the review time frame was automatically extended from two years to three years for those individuals activated into the CGD at 16 and 17 years old. The Department confirmed the programming issue had been fixed and that moving forward individuals added to the database before age 18 will be reviewed at two years following activation.

NYPD requires a review of entries within the database every two years following activation or renewal for those under the age of 18, and every three years for those 18 and older. Following that review, individuals must be removed from the database unless (1) they were arrested for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group's activities; (2) the person is on parole or probation at the time of review; or (3) is in the custody of a local, state, or federal correctional facility or similar facility. Individuals who meet any of the three criteria are renewed into the database with the completion of a Renewal DD5, which notes the basis of the renewal, and should include documentation supporting that basis. If an individual does not meet the criteria for renewal, a Deactivation DD5 is completed, removing the person from the database. Independent of the programming issue impacting those activated into the database before age 18, the Office also found extensive delays related to the two- and three-year review cycles, which we reported to NYPD during the course of this investigation.⁴ NYPD addressed those issues, and advised that as of October 6, 2025 the maximum delay for renewal and deactivation review was eight days.⁵

⁴ OIG-NYPD informed NYPD of the delays on April 22, 2025; on May 14, 2025, NYPD advised that the delays had been reduced, and that the longest delay at that time was 11 days. NYPD determined that some individuals were missing renewal or deactivation DD5s because the system failed to notify them that those individuals were due for a review as a result of a coding issue, and that certain other individuals were not yet due for review. On August 19, 2025, NYPD advised the Office that the maximum delay was eight days. After an additional follow-up with NYPD, the Department further advised that it had identified another error and was conducting a review of all coding used by the database vendor. On October 6, 2025, NYPD notified the Office that an additional vendor coding error had been found. The Department advised that that coding error had impacted the review date of 1,959 people. According to NYPD as of September 19, 2025, 33 out of the 1,959 remained overdue and those individuals had been reviewed as of October 6, 2025—23 were renewed and 10 were deactivated. The Department also committed to quarterly checks of the CGD for proper technical function and to provide confirmation to OIG-NYPD that the code continues to run consistent with Department policy following those checks.

⁵ In September, after OIG-NYPD requested additional DD5s that NYPD had not previously provided, NYPD identified an additional 3,846 database entries that had not been placed in queue for renewal and deactivation when they were due for review. According to NYPD, it cleared this backlog—deactivating 3,478 entries and renewing 368 entries, as of late September.

Another accepted recommendation called for the Department to “annually, as requested...provide a random sample (including minors) of Activation (including Person Maintenance), Renewal and Deactivation DD5s and supporting documentation to OIG-NYPD for review”(Recommendation 17).⁶ Recommendation 17 facilitates OIG-NYPD’s annual monitoring of the Department’s implementation of all policy and procedural recommendations relating to the database, through a review of activation, renewal and deactivation DD5s provided by the Department.⁷

For this review, OIG-NYPD analyzed entries and DD5s associated with a sample of 531 individuals in the database for adherence to the IUP and Chief of Detectives Memorandum. This sample included 148 individuals who were added to the database between October 13, 2023 and June 26, 2024,⁸ and 383 individuals in the database who were due to be reviewed between 2020 and 2024 for renewal or deactivation, whose entries should have been either renewed or deactivated. The DD5s were used to assess the Department’s implementation of Recommendations 3-5, 11, 13 and 14, based on updated and new policies issued pursuant to Recommendations 2 and 6.⁹ This report summarizes the Office’s findings with respect to NYPD’s implementation of those policies, and issues additional recommendations.

⁶ For an individual to be activated into the database, two forms must be completed, a Person Maintenance DD5 and an Activation DD5, both of which include relevant law enforcement information related to the individual.

⁷ N.Y.C. DEP’T OF INVESTIGATION, OFF. OF THE INSPECTOR GEN. *FOR THE NYPD, AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (2023), <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

⁸ OIG-NYPD requested Activation and Person Maintenance DD5s for 148 individuals that had been added to the database between October 13, 2023 and July 3, 2024. The 148 entries included all 68 adults activated into the CGD between October 14, 2023 and April, 2024, and all 80 minors activated into the CGD between October 14, 2023 and July 3, 2024.

⁹ See Appendix A for a full detail of all Recommendations.

Table 1: Recommendations 2-6, 11, 13 and 14 assessed within this report

Accepted Recommendations	
Rec. 2	Within 180 days, NYPD should revise the IUP for the CGD to describe the activation, renewal, and deactivation processes, explain the nature and extent of the evidence required to satisfy the entry criteria, and identify by name the law enforcement and other external entities with whom NYPD may share information about the individuals included in the CGD, for investigative or other purposes. The document should also describe the security protections that prevent unauthorized parties, within or outside of NYPD, from accessing the CGD.
Rec. 3	NYPD should require a multilevel review process (memorialized in writing) for the activation, renewal, and deactivation of all entries in the CGD, supported by the signature of each reviewer where required.
Rec. 4	NYPD should provide written guidance to officers explaining how to apply the Option A and B entry criteria, including examples of the type and extent of evidence that is sufficient for activation.
Rec. 5	NYPD should provide written guidance for officers about how to complete the Person Maintenance, Activation, and Renewal DD5s for the maintenance and entry of individuals into the CGD, and should include a requirement that available documentation be attached to the DD5s to substantiate that entry criteria are satisfied.
Rec. 6	NYPD should create a list of police encounters and arrest types that constitute “qualifying police contact,” for purposes of renewal determinations, to be used by officers responsible for deciding whether to renew or deactivate individuals from the CGD.
Rec. 11	NYPD should notify parents or guardians of minors that their children have been included in the CGD, within 60 days of inclusion, unless notification would interfere with active criminal investigations.
Rec. 13	NYPD should ensure that officers completing Person Maintenance, Activation and Renewal forms do not have access to sealed arrest information for that purpose, including, but not limited to ensuring that these DD5 forms do not autofill with sealed arrest information, unless explicitly authorized by law.
Rec. 14	NYPD should not consider sealed arrests when making CGD activation and renewal determinations.

As of December 2022, there were 16,141 individuals included in the CGD, 98% of whom were male, identified as Black or Hispanic and below 42 years in age.¹⁰ As of June 26, 2024, the number of individuals in the database had decreased by slightly over 13% to 13,989. In correspondence provided to the Office on October 6, 2025, NYPD reported that there were currently 8,563 individuals in the database, which is about a 39% decline from the 13,989 confirmed June 2024. The demographics of the

¹⁰ N.Y.C. DEP'T OF INVESTIGATION, OFF. OF THE INSPECTOR GEN. FOR THE NYPD, *AN INVESTIGATION INTO NYPD'S CRIMINAL GROUP DATABASE* (2023), <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>

individuals in the database has remained largely consistent from the end of 2022 through mid-2024; predominately Black and Hispanic men between the ages of 18 to 34.

Based on the documents provided by NYPD regarding recommendations 2-6, 11, 13, and 14 from the 2023 Report, the Office makes the following findings:

1. NYPD updated its CGD IUP within 88 days of accepting Recommendation 2. The updated IUP described the activation process, and the changed criteria for renewal and deactivation of individuals. However, the IUP did not identify by name the law enforcement or external entities with whom the Department may share information. As a result, Recommendation 2 is considered partially implemented.
2. Consistent with the findings from the 2023 Report, the renewal and deactivations are not reviewed by a supervisor or otherwise subject to a multilevel review process, contrary to the 2023 recommendation which NYPD had accepted. NYPD policy requires a multilevel review process for activations but there is no process written into policy for renewals and deactivations, as a result, recommendation 3 is partially implemented.
3. NYPD has issued an internal memorandum describing in detail the activation, renewal, and deactivation processes, discussed the types of evidence necessary to support activation into the CGD, memorialized in writing the multilevel authorization process for activation, provided some guidance related to completing the Person Maintenance and Activation DD5s, explained the youth notification process for those under 18 activated into the CGD, and provided updated entry criteria. Despite this guidance, some reporting officers completed the Activation DD5s incorrectly. For example, on DD5s where two independent sources were required, there were reporting officers who listed themselves as one of the two sources. In another instance, the reporting officer listed themselves as an independent source when the selected entry criteria did not require that a source be named to support the activation. These findings were limited to a select few reporting officers. As a result, recommendation 4 is considered implemented.
4. NYPD updated its IUP to include written guidance for the completion of Activation DD5s, which notes “a written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry.” However, the IUP fails to provide specific details about

- the required content of that narrative or supporting documentation. The Chief of Detectives Memorandum does provide sufficient direction, including more detail about the type of support necessary for the nomination. This finding is associated with recommendation 4 and is therefore considered implemented.
5. NYPD generally improved the nature and extent of the narrative details and other supporting evidence included in the Activation and Person Maintenance DD5s. The DD5s included more details within the narrative section. Officers included URLs when required except in a few instances, as well as relevant screenshots for all individuals activated under Option A (1).¹¹ However, in the instance where two independent sources were identified for activation, the information derived from the sources to justify a nomination was general in nature, appearing to be boilerplate language. Some sources did not provide any context for their “reasonable belief” of an individual’s criminal group membership. Supportive narratives from sources generally stated that “in conference with the field intelligence officer, they had knowledge that the individual was a member of, or known to the precinct as a member of a specific gang.” Because NYPD has provided written guidance about the application of the entry criteria, recommendation 4 is considered implemented, however officers should be instructed to document the specific information from independent sources that supports a determination of gang membership.
 6. While NYPD updated its CGD IUP and issued a Chief of Detectives Memorandum to address the circumstances that can justify renewal, it provided limited guidance related to the completion of renewal DD5s within the IUP. However, the Chief of Detectives Memorandum does state if an individual remains within the database RTCC/SMART must include supporting documentation for continued inclusion. Since the Chief of Detectives Memorandum states that supporting documentation must be included for continued inclusion, recommendation 5 is considered implemented.
 7. Within its IUP, NYPD changed those who could recommend someone for entry from a precinct field intelligence officer, an investigator assigned to a Detective Bureau Gang Squad, or an investigator assigned to the Social Media Analysis and Research Team, to NYPD personnel from the

¹¹ Option 1 is when an individual admits their membership within the criminal group to a member of NYPD, or admits by using language and symbols of membership on their own social media account.

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- Intelligence Bureau, Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands. According to NYPD, these individuals have narrow investigative functions with a focus on high-crime areas and gang-related activity, and therefore are the appropriate units to nominate individuals into the CGD.
8. With respect to qualifying conduct that justifies renewal into the database, (Recommendation 6), NYPD has updated its IUP to include an arrest “for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group’s activities” as qualifying conduct that is sufficient for renewal. As a result, recommendation 6 is considered implemented.
 9. In the updated IUP and the Chief of Detectives Memorandum, NYPD included a new YCO parental/guardian notification process for those under the age of 18, with notification required to take place within 60 days after activation into the database. Despite the updated IUP and the Chief of Detectives Memorandum, the Department failed to complete any notifications. The Office brought this issue to NYPD’s attention, and NYPD advised that a new procedure will be implemented that will require the nominating detective, not the YCO, to notify the juvenile’s parent or guardian. That procedural change is still pending. As a result, recommendation 11 is considered partially implemented.
 10. NYPD updated the IUP and Chief of Detectives Memorandum to note that inclusion in the CGD cannot be based on a sealed arrest, however, these updated policies do not address the issue of ensuring that officers do not have access to sealed arrest information. DD5s clearly indicate that an arrest has been sealed, and information such as the complainant, or narrative about the incident is unavailable. However, the arrest number, arrest date, and top arrest charge are still visible on DD5s. The Department has represented to this Office that it plans to change the activation and renewal DD5s so that they no longer contain this information, but this change has not yet been made. As a result, recommendation 13 is considered partially implemented.
 11. As noted above, NYPD included in the updated IUP and Chief of Detectives Memorandum that inclusion in the CGD cannot be based on a sealed arrest. There were 10 DD5s reviewed by OIG-NYPD that included cases where renewals were based on an arrest and all of the arrests were sealed at the time of OIG-NYPD’s review. The Office confirmed that four of the ten

renewals were based on arrests that were sealed at the time of the renewal determination, but those four determinations were made prior to the issuance of the Chief of Detectives Memorandum that made clear that renewal cannot be based on a sealed arrest. The other six arrests were sealed after the renewal determination, meaning that they were unsealed at the time the renewal determination was made, and appropriately relied on at that time. As such, recommendation 14 is implemented.

12. The 2023 Report found that the average delay for the review of entries was 69.1 days for the entire sample, 28.9 days for adults, and 188.9 days for minors. For this review, delays were even longer with at least 151 entries (48 minors and 103 adults) between 6 and 60+ months past due at the time of their renewal or deactivation. OIG-NYPD conveyed those figures to NYPD during the course of this investigation and NYPD promptly undertook efforts to reduce any remaining delays. NYPD now represents that the maximum delay for renewal and deactivation review is eight days.
13. The IUP and Chief of Detectives Memorandum makes it clear that those under 18 at the time of activation or renewal must be reviewed every two years from the date of that activation or renewal; and those 18 years or older at the time of activation or renewal must be reviewed every three years from the date of that activation or renewal. The Office's investigation found that the automated review system incorrectly extended the review time from two years to three years if a person was activated at 16 or 17 and turned 18 prior to their two-year review period. There were 59 individuals under 18 who were reviewed as part of this update. Forty-eight individuals were delayed for review from 6 to 60 months. According to NYPD this was due to a vendor coding error that has now been corrected. Moving forward those activated at 16 or 17 will be reviewed at their two-year review period.

OIG-NYPD makes the following new recommendations based on the findings within this report:

1. Ensure that all uniformed personnel authorized to nominate individuals into the CGD receive training about the requirements of the IUP and the Chief of Detectives Memorandum.
2. Update the IUP and Chief of Detectives Memorandum to require the two independent reliable sources to provide substantive explanations for their

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- reasonable belief of an individual's criminal group membership and to document those explanations on activation DD5s.
3. Update the IUP and Chief of Detectives Memorandum to clarify that the two independent sources should be different from the reporting officer.
 4. Update the IUP to mirror the detailed guidelines included within the Chief of Detectives Memorandum.
 5. Update the IUP and Chief of Detectives Memorandum to reflect a multilevel review process for renewals and ensure that a supervisor reviews and signs off on all renewal DD5s, as previously recommended and accepted by the Department, and list the required supporting documentation.
 6. Update the IUP to require the nominating detective to notify the juvenile's parent or guardian within 60-days of activation into the CGD.
 7. Update the IUP and Chief of Detectives Memorandum to ensure that renewal and activation DD5s include a required field containing the individual's next review date.
 8. Create, and memorialize in writing, an internal audit requirement to ensure that notifications to parents of minors added to the database are made, that the associated Notification DD5s are completed, and that the notification appears within a new column in the database as required by the Chief of Detectives Memorandum.
 9. Confirm whether any individual activated at age 16 or 17 has been in the database for over two years without a review, due to the coding error identified above and review any such individual to determine whether they should be renewed into the database or deactivated.
 10. Ensure that supporting documentation is included for all renewals.
 11. Conduct quarterly audits to ensure that there are no past due entries for review, and if there are, renew or deactivate them immediately.
 12. Review individuals renewed based on an arrest every six months to ensure that renewals are not based on arrests that are subsequently sealed. NYPD

should at minimum explore whether it is feasible to audit renewals for this purpose.

13. Collect, analyze, and publish data concerning the number of entries added, renewed, and deactivated from the database annually.

II. Background

In 2017, advocacy groups and media outlets revealed that the New York Police Department (“NYPD” or “the Department”) had created and was using, for law enforcement purposes, an electronic repository of information known as the Criminal Group Database (“CGD”). The advocacy groups raised various questions and concerns about the CGD, including how individuals were added to it, the implications of inclusion, and the possible avenues for removal.¹²

In June 2018, the New York City Council held a hearing at which then-Chief of Detectives Dermot Shea stated the database contained the names of approximately 17,000 individuals, about half the number that the database contained when it launched in 2013.¹³ He testified that in 2014, the Department established procedures governing individuals’ inclusion in, and removal from, the database. In October 2018, in response to significant public concern about the database, as well as complaints received by the Office from members of the public and elected officials, the Office launched an investigation into NYPD’s creation and use of the CGD. The investigation sought to understand how NYPD used the database, its value in crime control and prevention activities, the potential harms of inclusion, and the risks and costs of maintaining the database. In April 2023, the Office released its report “An Investigation into NYPD’s Criminal Group Database.”

To prepare the April 2023 Report, OIG-NYPD conducted an in-depth analysis of NYPD records concerning database entry and maintenance for a sample of almost 500 individuals, including demographic details of all of the then-active entries. The Office engaged in discussions about the value and impact of the database with NYPD representatives, legal experts, members of police oversight agencies, community organizations, and advocacy groups. OIG-NYPD also reviewed the policies of over

¹² See N.Y.C. Dep’t of Investigation, *AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (Apr. 2023), at 11-12, “The June 2018 City Council Hearing,” <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

¹³ See N.Y.C. Dep’t of Investigation, *AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (Apr. 2023), at 12-14, “The June 2018 City Council Hearing,” <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

three dozen police departments across the United States that maintain so-called “gang” databases.¹⁴ The Office found an absence of sufficient guidance for entry criteria for activation into NYPD’s database, a lack of compliance with the Department’s own procedures for inclusion of individuals in the CGD, inadequate narrative detail and documentation purporting to support the Department’s decision to add or maintain an individual in the database, and a failure to notify families when their minor children were included in the database or provide a process to appeal the inclusion of minors.¹⁵

On the basis of those findings, OIG-NYPD made 17 recommendations for changes to policy and practice intended to increase public awareness about the CGD; remediate the lack of guidance regarding activation, renewal, and deactivation of entries into the database; ensure proper and timely notification to parents and guardians of minors included in the CGD; cease the use of sealed arrests for activation and renewal determinations; increase staffing to ensure timely entry reviews, formalize CGD-related Freedom of Information Law (“FOIL”) requests; and facilitate continuous auditing of the CGD by OIG-NYPD to ensure the Department’s implementation of accepted recommendations.¹⁶

III. NYPD’s 90-Day Response to DOI’s OIG-NYPD Recommendations

On July 17, 2023, NYPD publicly responded to the Office’s report. It accepted 11 recommendations (1-6, 11, 13-15, and 17), rejected five (7-9, 12, and 16), and placed one under consideration (10).¹⁷

The Department accepted the recommendations that it (1) publish a statement on its website describing the contributions of the CGD to maintaining public safety; (2) revise the CGD Impact and Use Policy (“IUP”) to provide more public insight into activation, renewal, and deactivation processes; (3) ensure that multiple levels of authorization are required to add, renew or remove an individual from the database; (4) provide written guidance to officers regarding the criteria and supporting documentation required to add individuals to and remove individuals from the database; (5) make parental/guardian notifications when a minor is added to the CGD within 60 days of inclusion; and (6) exclude sealed arrest information from activation and renewal determinations.

¹⁴ See N.Y.C. Dep’t of Investigation, *AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (Apr. 2023), at <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

NYPD rejected recommendations to (1) conduct an immediate review of all individuals in the database to determine whether they should remain or be removed; (2) conduct at more frequent intervals reviews of minors and adults to determine whether inclusion remains appropriate; (3) make CGD entries inaccessible 60 days after the deadline for review of those entries had passed; (4) create a process for minors and their parents to appeal minors' inclusion in the database; and (5) issue a written policy to provide individuals with information about whether they are included in the database if requested via FOIL.¹⁸

As of the date of the release of this Report, NYPD was still considering the recommendation to convene a special review panel to approve adding minors to the database.¹⁹ A list of all recommendations are included within Appendix A and the full 2023 report is available [here](#).

IV. Implementation of Recommendations

A. Recommendations 2, 3, 4, 5, 6, 11, 13, and 14 – IUP Revision and Written Guidance as of October 2023

In response to its acceptance of recommendations 2-6, 11, 13 and 14, NYPD updated its CGD Impact and Use Policy (“IUP”)²⁰ and issued a Chief of Detectives Memorandum, which provides guidance to officers as it relates to the database. The revision to the IUP and the memorandum reflected the policy and procedure changes NYPD agreed to implement in its response to OIG-NYPD’s April 2023 Report.²¹ Those changes included:

- An updated activation requirement from two distinct sets of criteria to one set of criteria for entry
- A shift in who may recommend individuals for entry from Field Intelligence Officers (“FIOs”) or investigators in either the Detective Bureau’s Gang Squad

¹⁸ The recommendations described are Recommendations 7, 8, 9, 12 and 16.

¹⁹ See N.Y.C. Police Dep’t. Response to “An Investigation into NYPD’s Criminal Group Database,” (Jul. 17, 2023), at https://www.nyc.gov/assets/doi/oignypd/response/CGD_Response_71723_FINAL.pdf.

²⁰ In 2020, New York City Council passed the Public Oversight of Surveillance Technology (POST) Act requiring comprehensive reporting and oversight of NYPD’s surveillance technologies. Among other directives, the POST Act requires NYPD to produce and publish Impact and Use Policies (“IUPs”) for each of its qualifying surveillance technologies. NYPD must describe the capabilities of its surveillance technology, and include any rules, processes, and guidelines that regulate access to or use of the technology, and any prohibitions or restrictions on its use, and any potential disparate impacts.

²¹ Both versions of the Department’s CGD IUP can be found in Appendices B and C.

or the Social Media Analysis and Research Team (“S.M.A.R.T.”) to NYPD personnel within the Intelligence Bureau, Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands

- Clarification regarding the multilevel review process for activation.

Additionally, the IUP provided details of the newly created notification process by the Youth Coordination Officer (“YCO”) for minors added to the CGD. According to the IUP, a family member legally responsible for the minor child must be notified within 60-days of the minor’s activation into the database. As an update to its Rules, Processes & Guidelines section of the IUP, guidance was provided for completing a nomination to add an individual to the database,²² including a requirement that supporting documentation be included. In addition, on October 11, 2023, the Chief of Detectives circulated a memorandum to all agency personnel designated, “Protocol for Nominees into Enterprise Case Management System’s Criminal Group Database,” which outlined the revised guidelines and protocols for adding entries into the CGD. The protocol outlined in the memorandum included multiple levels of authorization to add individual names to the database, changes to the criteria for adding individuals to, and removing them from the database, and described the process for notifying parents and/or guardians of minor children who were added to the database.²³

B. An Assessment of the CGD IUP and Chief of Detectives Memorandum

This section assesses whether NYPD’s revisions to the CGD IUP and issuance of the Chief of Detectives Memorandum complied with recommendations 2-6, 11, 13, and 14.

i. Recommendation 2

Within 180 days, NYPD should revise the IUP for the CGD to describe the activation, renewal, and deactivation processes, explain the nature and extent of the evidence required to satisfy the entry criteria, and identify by name the law enforcement and other external entities with whom NYPD may share information about the individuals included in the CGD, for investigative or other purposes. The document should also describe the security protections that prevent unauthorized parties, within or outside of NYPD, from accessing the CGD.

²² A nomination occurs when specific NYPD personnel complete the Person Maintenance and Activation DD5s including supporting documentation. There are three levels of sign-off for the nomination and once final approval has been given the individual is activated into the CGD.

²³ This is a non-publicly available document and was provided to OIG-NYPD only as a part of an administrative request for materials relevant to the follow-up review.

NYPD updated the CGD IUP within 88 days of accepting this recommendation. The updated IUP reflected a change in the criteria for activation and renewal, an explanation of the processes for activation, and a description of the units within NYPD responsible for proposing individuals to be added to the CGD. However, the IUP does not identify by name the law enforcement and other external entities with whom NYPD may share information.

In 2023, OIG-NYPD found that the criteria to enter a person into the CGD was confusing and redundant. Specifically, the pre-October 2023 criteria for entry included two distinct sets of criteria for entry. The set, referred to as Option A, consisted of “[s]ome form of acknowledgement of membership, by either Option 1a) a self-admission of criminal group membership to a member of the NYPD; Option 2a) being identified as a member of a criminal group by two independent and reliable sources; or 3a) social media posts admitting to membership in a criminal group.” The second pathway, referred to as Option B:

required two (2) of the following to be true: 1b) frequent presence at a known criminal group location; 2b) possession of criminal group-related documents; 3b) association with known criminal group members; 4b) social media posts with known criminal group members while possessing known criminal group paraphernalia; 5b) scars and tattoos associated with a particular criminal group; or 6b) frequent wearing of the colors and frequent use of hand signs that are associated with particular criminal groups.²⁴

When NYPD updated the CGD IUP pursuant to recommendation 2, it eliminated Option B. Accordingly, in order to be entered into the CGD, the updated IUP requires (1) the individual to exhibit some form of personal acknowledgement of criminal group membership, by either a self-admission of criminal group membership to a member of the NYPD or a self-admission of criminal group membership on the person’s own social media account(s), or (2) a reasonable belief that the person is a member of a criminal group during the course of an investigation and that the person is identified as a member of a criminal group by two independent and reliable sources.²⁵ The updated policies eliminated the confusion and redundancies in relation to activation criteria.

NYPD also changed who could recommend someone for entry. Pursuant to current policies, those individuals include NYPD personnel from the Intelligence Bureau,

²⁴ See Appendix C.

²⁵ See Appendix B.

Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands. This is a change from the previous list of NYPD personnel which included a precinct field intelligence officer; an investigator assigned to a Detective Bureau Gang Squad; or an investigator assigned to the Social Media Analysis and Research Team. When asked about this change, NYPD personnel explained that the individuals now authorized to recommend additions to the database have investigative roles with a discrete focus on high-crime areas and gang related activity and therefore are better situated to identify individuals who may be gang-affiliated.

NYPD expanded the IUP's description of the processes for activation, to include a more detailed discussion of the approval process including how the nomination is reviewed, what documentation is required as part of the nomination, and the levels of necessary approval. While the IUP states that individuals are reviewed every two years for minors and three years for adults, along with renewal criteria, it does not provide a description of the process. The Chief of Detectives Memorandum provided more specific and detailed information related to the processes and requirements for activation, the documentation required to be included with the DD5 supporting nomination, and the updated list of those nominating commands. With regard to the review process for renewal or deactivation, the memorandum reiterates the two- and three-year review periods and criteria for renewal noted within the IUP, and notes that RTCC/SMART must include supporting documentation as attachments for all renewals.

This more expansive description of the activation process in both the IUP and memorandum is clear and instructive. With regard to the review for renewal process, the review section of the IUP should list the required supporting documentation for renewals. And both the memorandum and IUP should include a multilevel sign-off requirement like the activation process. This would meet the renewal and deactivation process requirements of recommendation 3.

As it relates to sources for activation, the Chief of Detectives Memorandum notes that precinct, Intelligence, or Detective Bureau personnel are independent and reliable sources. The IUP and internal memorandum require that the person being nominated "...is identified as a member of a criminal group by two (2) independent and reliable sources."²⁶ But these two documents do not make clear NYPD's position that the two

²⁶ See Appendix B at 42.

independent sources must be persons other than the officer(s) nominating individuals for activation.²⁷

ii. Recommendation 3

NYPD should require a multilevel review process (memorialized in writing) for the activation, renewal, and deactivation of all entries in the CGD, supported by the signature of each reviewer where required.
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In response to Recommendation 3, NYPD updated its IUP expanding and clarifying the review process for those individuals nominated to be added into the CGD. According to the IUP:

“A written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry. A supervisor of the individual submitting a candidate for nomination into the Criminal Group Database then review[s] the materials and adopt[s] the recommendation. The recommendation is then reviewed by the Real Time Crime Center, Social Media Analysis and Research Team and the Real Time Crime Center, Social Media Analysis and Research Team supervisor, who will either approve or reject the recommendation, or request additional analysis be performed before making a decision. If the Real Time Crime Center, Social Media Analysis and Research Team and the Real Time Crime Center, Social Media Analysis and Research Team supervisor approves the recommendation, then the subject is entered into the database.”²⁸

The Chief of Detectives Memorandum similarly notes that the supervisor of the investigating officer making the recommendation must review the supporting documentation, and if one or more criteria is met and supported, the supervisor will sign-off. The recommendation and supporting documentation are then sent to NYPD’s Real-Time Crime Center/Social Media Analysis Unit (“RTCC/SMART”) for its secondary review and approval by a supervisor, also known as an endorser. Once reviewed and approved, the individual is then activated into the CGD.

While clear and sufficient direction was provided in both the updated IUP and the Chief of Detectives Memorandum related to the two-level review and approval

²⁷ A detective from the Real Time Crime Center, Social Media Analysis and Research Team, responsible for approving nominations, informed this Office that there should be two independent sources separate from the nominating officer.

²⁸ See Appendix B.

process for activations, neither document specifies a multilevel review process for renewals, and there is currently no such process in place. Renewal DD5s include only two signature boxes, one for the reporting officer and the reviewing supervisor when three should be required for a multi-level review process. Indeed, NYPD's current process for renewal determinations involves a single decisionmaker with no review; the same individual signs both signature boxes as the reporting officer and reviewing supervisor.

iii. **Recommendation 4**

NYPD should provide written guidance to officers explaining how to apply the Option A and B entry criteria, including examples of the type and extent of evidence that is sufficient for activation.

In response to Recommendation 4, NYPD updated its IUP and removed Option B as an entry criterion. Although the Department updated its IUP, it is silent on the type and extent of evidence that is sufficient for activation. The Chief of Detectives Memorandum provided a slightly more detailed explanation of the criteria for inclusion and the required evidence to supplement the recommendation. The memorandum explicitly states that “the social media address (URL) and screenshot of posting(s) must be included as an attachment to the DD5.”²⁹

While the IUP and memorandum identifies the criteria for entry, the second pathway for entry, “...during the course of an investigation, there is reasonable belief that the subject is a member of a criminal group, and that person is identified as a member of a criminal group by two (2) independent and reliable sources,” does not explicitly state that a reporting officer should not also list themselves as an independent source, though the office understands that is NYPD's position.

iv. **Recommendation 5**

NYPD should provide written guidance for officers about how to complete the Person Maintenance, Activation, and Renewal DD5s for the maintenance and entry of individuals into the CGD and should include a requirement that available documentation be attached to the DD5s to substantiate that entry criteria are satisfied.

²⁹ This is a non-publicly available document and was provided to OIG-NYPD only as a part of an administrative request for materials relevant to the follow-up review.

In response to Recommendation 5, NYPD updated its IUP to include written guidance for the completion of DD5s related to nominating individuals for activation into the CGD, as well as noting that supporting documentation is required. While the Department provided guidance within the IUP, that guidance was non-specific, simply stating that “a written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry.” The IUP does not provide direction related to how to complete the documents, however, the Chief of Detectives Memorandum provides sufficient guidance and specifically notes the type of support necessary for the nomination. Despite this guidance, our review identified narratives in support of activation that appeared to use boilerplate, non-specific language. Officers should be trained to provide information that is particular to the individual being added to the database.

Neither the IUP nor memorandum provides guidance for completing renewal DD5s.

v. Recommendation 6

NYPD should create a list of police encounters and arrest types that constitute “qualifying police contact,” for purposes of renewal determinations, to be used by officers responsible for deciding whether to renew or deactivate individuals from the CGD.

In response to Recommendation 6, NYPD updated its IUP to include the following details related to the review of individuals into the database for renewal or deactivation:

“Subjects included in the Criminal Group Database must be reviewed to determine if their actions and records warrant continued inclusion. If a subject is under the age of eighteen (18), the subject is reviewed every two (2) years from date of entry.³⁰ If the subject is eighteen (18) years old or older, the subject is reviewed every three (3) years from date of entry. NYPD personnel are automatically notified when a subject is eligible for removal review. Subjects must be removed from the Criminal Group Database unless one of the following is true:

1. The subject was arrested for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group’s activities;

³⁰ Until recently, minors who were activated at 16 or 17 and turned 18 prior to their two-year review period were reviewed at three years instead of two years due to a database programming error. NYPD confirmed on July 8, 2025 that the error was corrected by the database vendor, and that all individuals added to the database before age 18 are now reviewed at two years from the date of activation.

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2. The subject is on parole or probation at the time of review; or
 3. The subject is in custody the of any local city, state, or federal correctional facility or similar complex at the time of removal review.”

An NYPD official confirmed that “a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group’s activities” is intended to represent the list of police encounters and arrest types. The Chief of Detectives Memorandum mirrors this language. OIG-NYPD finds this to be sufficient implementation of recommendation 6.

vi. Recommendation 11

NYPD should notify parents or guardians of minors that their children have been included in the CGD, within 60 days of inclusion, unless notification would interfere with active criminal investigations.
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In response to Recommendation 11, NYPD updated its IUP to require that guardians be notified when an individual under the age of 18 is added to the database. The Chief of Detectives Memorandum gives clear direction related to youth notifications. According to the memorandum “upon being notified by an NYPD investigator that an individual who is a juvenile has been activated into the CGD, the precinct YCO is required to notify the guardian of the activation.” Notification to the family member or guardian must be documented on a “YCO Criminal Group Member Notification” DD5. In addition, as confirmation that the notification was made, a new column noting the YCO’s supervisor sign-off will appear on the CGD export.”³¹

While the Department now provides clear directives in both the IUP and Chief of Detectives Memorandum concerning the youth notification process, consistent with Recommendation 11, the required notifications are not being made, as discussed further below.

³¹ A spreadsheet that identifies all individuals added to the database who are under the age of 18. The CGD export is not publicly available, but was provided to OIG-NYPD in connection with this review.

vii. Recommendation 13

NYPD should ensure that officers completing Person Maintenance, Activation, and Renewal forms do not have access to sealed arrest information for that purpose, including, but not limited to ensuring that these DD5 forms do not autofill with sealed arrest information, unless explicitly authorized by law.

In response to Recommendation 13, NYPD included additional language within the IUP and Chief of Detectives Memorandum stating that “inclusion or maintenance in the Criminal Group Database cannot be based on a sealed arrest;”³² and that “any sealed arrest cannot be the basis for including or maintaining an individual within the CGD,”³³ respectively. While the updated IUP and memorandum states that inclusion and maintenance within the CGD cannot be based on a sealed arrest, it does not address or implement the Office’s recommendation that officers do not have access to sealed arrest information.³⁴ DD5s clearly indicated that an arrest had been sealed, and information such as the complainant or narrative about the incident are unavailable, however, the arrest number, arrest date, and top arrest charge are still visible on DD5s. NYPD has represented to this Office that it will change the DD5s so that they do not contain this information in the future. Recommendation 13 is considered partially implemented.

viii. Recommendation 14

NYPD should not consider sealed arrests when making CGD activation and renewal determinations.

In response to Recommendation 14, NYPD updated the IUP to specifically note that “inclusion or maintenance in the Criminal Group Database cannot be based on a sealed arrest.”³⁵ The Chief of Detectives Memorandum conveys the same information. However, as discussed more thoroughly below, in some cases that the Office reviewed, the renewal DD5 indicated that an individual remained in the database due to a new arrest, and the only “new arrest” reflected in the documentation available to this Office was marked sealed. OIG-NYPD reviewed certain DD5s reflecting that renewals were based on arrests that were sealed at the time of the determination,

³² See Appendix B.

³³ This is a non-publicly available document and was provided to OIG-NYPD only as a part of an administrative request for materials relevant to the follow-up review.

³⁴ NYPD is currently in litigation over the Departments use and maintenance of sealed records. See, R.C. et al v. The City of New York et al, filed in New York County Supreme Court, Case number #: 15379/2018.

³⁵ See Appendix B.

but those renewals occurred prior to the issuance of the Chief of Detectives Memorandum. Other DD5s reflected renewals based on arrests that were unsealed at the time of the renewal determination but sealed at a later time. OIG-NYPD did not identify any renewals after the issuance of the Chief of Detectives Memorandum that were based on arrests that were sealed, and therefore, this recommendation is considered implemented.

V. Recommendations 3, 4, 5, 11, 13, and 14 - CGD Policy Changes & Implementation

To more fully assess NYPD's progress related to recommendations 3-5, 11, 13, and 14, this section examines these policies in practice, through the review of DD5s and information associated with a total sample of 531 individuals and interviews with NYPD personnel.³⁶

A. The Current Activation and Review Processes

A detailed description of the updated activation process as set forth in the revised IUP and Chief of Detectives Memorandum, directs that members of certain commands, squads, sections and units named above are authorized to identify and nominate individuals for inclusion into the criminal group database. Individuals are eligible to be added to the database if they admit to being a member of a criminal group, by "exhibit[ing] some form of personal acknowledgement of criminal group membership by either a self-admission...to a member of NYPD or...on the subject's own social media account(s)," or if NYPD finds that "during the course of an investigation, there is a reasonable belief that the subject is a member of a criminal group, and that person is identified as a member of a criminal group by two (2) independent and reliable sources." Sources for this purpose can include Department personnel in an NYPD precinct, the Intelligence Bureau, the School Safety Division, or the Detective Bureau; personnel from the Department of Correction; or external law enforcement agency personnel.

An officer must complete two forms, known as the Activation DD5 and the Person Maintenance DD5, to nominate an individual for activation into the database. The Activation DD5 includes a narrative section that must describe the specific factors that support adding the individual to the database, and that form must be submitted to an immediate supervisor for approval, with supporting documentation attached. A

³⁶ OIG-NYPD requested documentation associated with a total of 531 individuals, this included 148 activation DD5s, and 384 renewal and deactivation DD5s. One individual was renewed in error, and deactivated nearly a year later, the office received both renewal and deactivation DD5s for this person.

supervisor then reviews the submitted documentation and “if one or more of the criteria are satisfied and supported by that documentation, the supervisor documents their agreement by signing the “Activate Person into Criminal Group List” DD5, a form that is automatically sent to the RTCC/SMART for approval, or “endorsement” along with the Person Maintenance DD5. Once submitted and approved, the individual’s name is added to the database. The Person Maintenance DD5 cites the same information as the activation DD5, but does not require a supervisor to sign off.

When a minor is added to the CGD, the supervisor of the YCO in the precinct where the minor resides must be notified, and within 60 days, the YCO is directed to visit the minor’s parent or guardian to inform them that their minor child has been added to the database. Notification is not made if it would alert the individual of an ongoing investigation; in that event, the investigator must document that notification cannot be made for that reason. A total of 42 DD5s for those under 18 noted explicitly that a notification could not be made or was not made because it would compromise an investigation, and an additional 11 DD5s simply noted “case open” or “case active.”

Entries must be evaluated for continued inclusion every two years from the date of activation for minors and every three years for adults. Entries will be removed unless at least one of three criteria are met: 1) the individual has been arrested for an enumerated crime, unless the arrest is sealed; 2) the individual is participating in parole or a probation agreement; or 3) the individual is in the custody of a correctional facility.

Recommendation 17 from the 2023 Report, which NYPD accepted, requires NYPD to “provide a random sample (including minors) of all Activation, Renewal and Deactivation DD5s and any supporting documentation to OIG-NYPD for review.”³⁷ OIG-NYPD requested exports of the full database, one in March 2024 and another updated in June 2024, to identify all new entries since the October, 2023 updated IUP and Chief of Detectives Memorandum. DD5s associated with those entries were used to assess the extent of NYPD’s adherence to the updated IUP and Chief of Detectives Memorandum as it relates to recommendations 3-5, 11, 13, and 14.

B. Results of Review of Active CGD Entries as of June 26, 2024

As of June 26, 2024, there were a total of 13,989 active entries within the CGD, slightly over 13% less than the 16,141 entries included in the database as of December 2022. Of the 13,989 active entries, 13,701 identified as male, 268 as female; for 20

³⁷ See N.Y.C. Dep’t of Investigation, *AN INVESTIGATION INTO NYPD’S CRIMINAL GROUP DATABASE* (Apr. 2023), at <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

individuals gender identification data were not available. By race, 9,860 (70.5%) of those included identified as Black and 3,949 (28.2%) identified as Hispanic. Of the remaining approximately 1%, 82 (0.59%), identified as White; 68 (0.49%) as Asian or Pacific Islander or American Indian; 30 (0.21.2%) selected the “Other” category. With respect to age, 7,435 (53%) of individuals in the CGD were added to the database between the ages of 18-24 years and 4,209 (30%) between the ages of 25-34 years. 11% (1,576) of the individuals in the CGD were added as minors (under age 18) the vast majority (1,301) at 16 or 17 years old.

As of October 6, 2025, NYPD reported to this Office that there were currently 8,563 active entries in the database, which is about a 39% decline from the 13,989 active entries in June 2024.

i. Analysis of the Activation Process

In June and August of 2024 OIG-NYPD requested DD5s related to all new entries since October 2023, for a total of 148 individuals. In response to this request, NYPD produced DD5s for a total of 148 individuals within the database, 80 minors and 68 adults, all of whom were added to the database between October 14, 2023, and June 26, 2024.

a. Recommendation 3 - Multilevel Review Process

According to the IUP and memorandum, the supervisor of the reporting officer reviews the DD5 and supporting documentation, and if the criteria is met and supported, the supervisor will sign the DD5, indicating approval of the proposal to add an individual to the database. The DD5 and supporting documentation receives a secondary review and approval by a supervisor in the RTCC/SMART Unit, who then endorses the recommendation by signing the DD5.

As required by NYPD policy, officers adhered to the multilevel review process for all activations in the sample that the Office reviewed, except one. In that one instance, the individual was identified during a social media canvass and activated without the two levels of review, with the reporting officer signing on his own behalf and on behalf of the reviewing supervisor, which does not comply with the NYPD’s policy.

b. Recommendation 4 - Application of Entry Criteria & Recommendation 5 – Support for Entries

As noted within the IUP and memorandum, to be entered into the CGD, (1) the individual must acknowledge criminal group membership, by either a self-admission of membership to a member of NYPD or a self-admission of membership on the person's own social media account(s), or (2) there must be a reasonable belief that the person is a member of a criminal group during the course of an investigation and that the person is identified as a member of a criminal group by two independent and reliable sources.

Of the 148 activation DD5s assessed, 13 were activated based on self-admission during a debrief, 97 were activated based on social media posts exclusively, seven were activated based on social media posts and sources, and the remaining 31 were activated based on two sources. Consistent with the 2023 report, the most frequently used reason for activation was self-admission of criminal group membership via the individual's own social media account.³⁸

Of those 31 that listed two sources, four of those activations included the reporting officer as one of the two sources. According to the supervisor in the RTCC/SMART Unit responsible for approving activations, there should be two separate independent sources, neither of which should be the officer making the nomination. Neither the updated IUP or Chief of Detectives Memorandum clarifies that the two independent sources should be different than the reporting officer.

In addition to the criteria noted above, the IUP and memorandum states that a URL and screenshot of the posting(s) must be included as support for self-admission on the person's own social media account. For those entries activated via self-admission on social media, all DD5s included embedded images/links in the form of either/or social media postings, videos, or audio files. The Office examined the embedded images, although they were too small to clearly see and assess the content. However, the associated narratives, which the Office reviewed, almost always provided a description of the embedded images. There were 3 DD5s without a URL, where NYPD policy requires a URL, although there were screenshots of the social media postings included.

³⁸ The exact criteria as noted within the Chief of Detectives Memorandum is "(a) Nominee admits to criminal group membership in a statement to a member of the NYPD, OR (b) nominee admits to criminal group membership via the nominee's own social media account[s], such as through the use of language and symbols demonstrating membership. The social media address (URL) and screenshot of posting(s) must be included as an attachment to the "Activate Person into Criminal Group List" DD5.

c. Recommendation 4 - Narrative Analysis

All 148 sets of DD5s were reviewed for narrative completeness. Narratives were categorized based on self-admission by debriefing, self-admission based on social media observations, source recommendations, or a combination of any of the above. The narrative sections of both the Person Maintenance and Activation DD5s outlined the reasons for activation with more specificity than those assessed for the 2023 Report. While the narrative sections had improved, there were issues related to the use of boilerplate language when two independent sources were required for nomination. For example, there were 31 nominations based on source recommendations. Six reporting officers completed this set of nominations, and three of those reporting officers were responsible for completing 19 of the 31 DD5s. The narratives associated with those 19 nominations lacked detail and appeared to be cut and pasted [see Figure 1]. One reporting officer conferred with the same two detectives quoting the same source narrative in at least six instances, and in one instance included the incorrect name as a result of a cut/paste error. Another reporting officer completed six activation DD5s, using the same language despite conferring with different detectives. In three instances this reporting officer also included themselves as one of the two independent sources. The third reporting officer completed seven activation DD5s with different source recommenders, using the same language but changing the titles of the sources and the associated gangs.

Figure 1: Narrative Samples from Activation DD5s

DD5 Narrative Examples	
Example Set 1	
Narrative 1a: Conferral with █ FIO, informed through debriefings/work as an FIO, knowledge of █ as a gang member. Conferral with PSAYCO, informed through debriefing and work has knowledge that █ is a gang member.	Narrative 1b: Conferral with █ FIO, informed through debriefings/work as an FIO, knowledge of █ as a gang member. Conferral with PSA █ FIO, informed through debriefing and work has knowledge that █ is a gang member.
Example Set 2	
Narrative 2a: Conferral with █ FIO, informed through debriefings/work as an FIO, knowledge of █ as a gang member. Conferral with PSA █ YCO, informed through his duties has knowledge that █ is a gang member.	Narrative 2b: Conferral with █ FIO, informed through debriefings/work as an FIO, knowledge of █ as a gang member. Conferral with █ NCO SGT, informed through his duties has knowledge that █ is a gang member.
Example Set 3	
Narrative 3a: The undersigned did confer with PO █ (PSA █ YCO) on █ who did inform that through debriefings and work as an FIO he has knowledge of █ as an █ gang member. The undersigned did confer with PO █ (PSA █ FIO) on █ who did inform that through his duties as FIO for PSA █ he has knowledge of █ as an █ gang member.	Narrative 3b: The undersigned did confer with PO █ (PSA █ YCO) on █ who did inform that through debriefings and work as an FIO he has knowledge of █ as an █ gang member. The undersigned did confer with PO █ (PSA █ FIO) on █ who did inform that through his duties as FIO for PSA █ he has knowledge of █ as an █ gang member.
Example Set 4	
Narrative 4a: The undersigned did confer with Detective █ (█ FIO) on █ who did inform the undersigned though their work in the Field Intelligence Office that he has knowledge of █ to be a █ member. The undersigned did confer with Detective █ (█ PDU) on █ who did inform the undersigned though their work in the Precinct Detective Squad that he has knowledge of █ to be a █ member.	Narrative 4b: The undersigned did confer with Detective █ (█ FIO) on █ who did inform the undersigned though their work in the Field Intelligence Office that he has knowledge of █ to be a █ Gang member. The undersigned did confer with Detective █ (█ FIO) on █ who did inform the undersigned though their work in the Field Intelligence Office that he has knowledge of █ to be a █ Gang member.

d. Recommendation 11 - Youth Notifications

The updated IUP and the Chief of Detectives Memorandum require notifications to parents and guardians within 60 days of the inclusion of minors into the database. For 53 of the 80 minors added to the database, notifications were not made because the Department concluded that notifications could compromise an active investigation. The existence of an active investigation was documented in the narrative section of the Activation or Person Maintenance DD5s, or elsewhere in the materials received.

For 3 of the 17 entries where NYPD did not make notifications, the DD5 narrative stated that notification attempts will be made, but there was no other indication that the notification in fact was attempted or made. In at least one of those three DD5s, the detective was reminded to make sure that the notification occurred [see Figure 2]. The summary of investigation noted that the individual had been observed with other gang members via social media observations, and included three photos, one

picturing the individual added to the database with another individual and two picturing the individual alone. This activation was based on two independent sources, with the reporting officer listing himself as one of the two independent sources.

Figure 2: DD5 Narrative for YCO notification advisement

Reporting Officer:	Rank [REDACTED]	Name [REDACTED]		Tax Reg. No. [REDACTED]	Command [REDACTED]
Reviewing Supervisor:	Manner of Closing -	Date Reviewed: [REDACTED]	Date of Next Review [REDACTED]	Name [REDACTED]	Supv. Tax No. [REDACTED]
Endorser:	Rank [REDACTED]	Name [REDACTED]		Tax Reg. No. [REDACTED]	Command [REDACTED]
	Endorsement Date [REDACTED]	Comments GREAT DD-5 JUST PLEASE ENSURE THE NOTIFICATION TO JUVENILE IS MADE BEFORE ACTIVATION IS COMPLETED, KEEPING IN MIND NOTIFICATION WILL BE MADE AS LONG AS CASE INTEGRITY IS NOT COMPROMISED.			

For another three individuals out of the 17, a notation in the materials received indicated that parental notification had been made but there was no YCO Notification DD5 reflecting that notification was actually made, nor was there a new column on the CGD export, [a spreadsheet,] confirming that a notification had occurred as required by policy.

In response to an August 16, 2024, request from OIG-NYPD for YCO Notification DD5s, NYPD advised the Office on February 26, 2025, that the Department plans to implement a new procedure that will require the detective nominating the juvenile for activation to notify the juvenile's parent or guardian. The detective would remain responsible for completing the DD5 memorializing that the notification was either made, or would interfere with an active criminal investigation. The DD5 would also require supervisory approval.

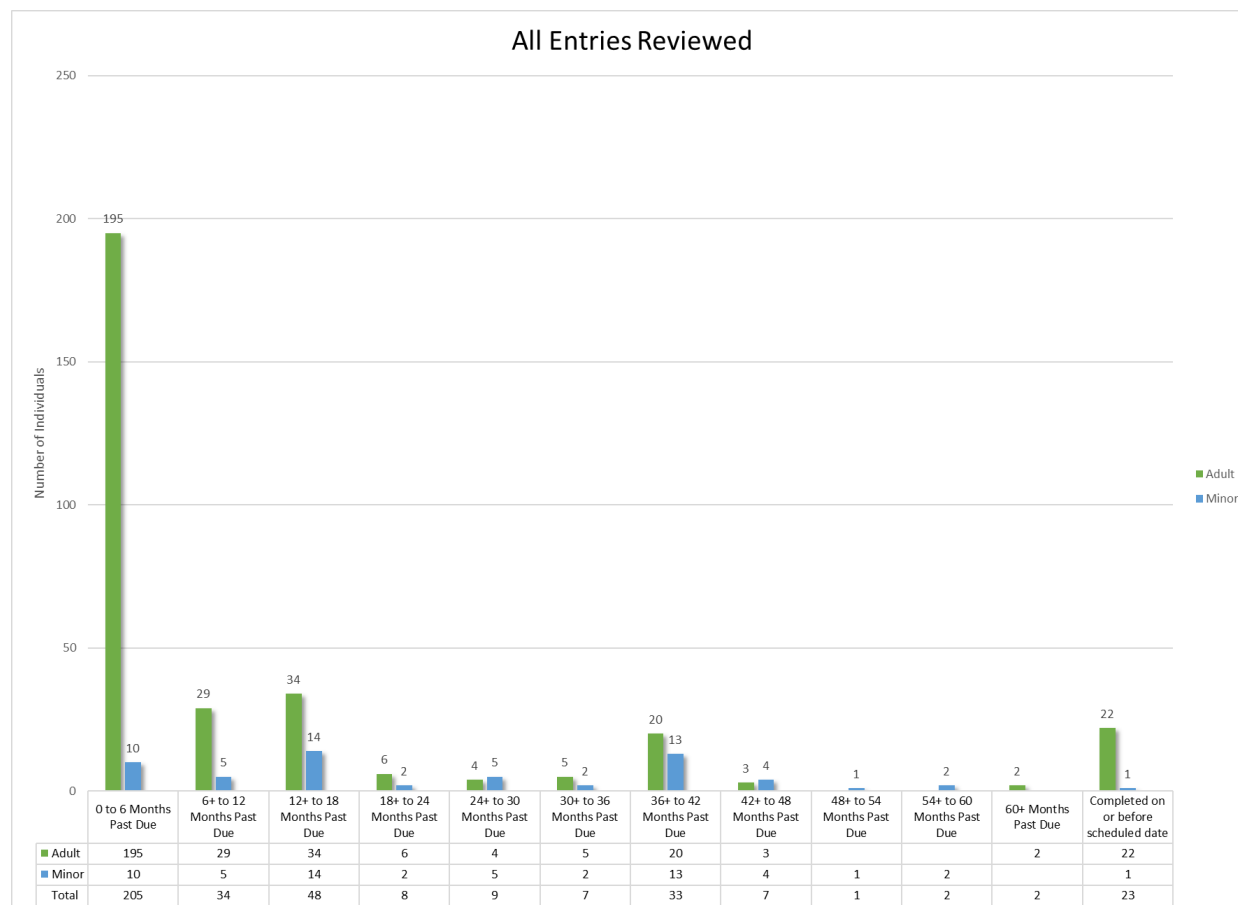
ii. Analysis related to the Review Process

To assess whether there was timely review of entries in the database and whether deactivation and renewal DD5s were completed consistent with NYPD's policies and procedures, OIG-NYPD also requested a sample of DD5s for individuals who were due for review between 2020 and 2024. The anticipated review date is either two or three years from the date of entry into the database, depending on whether the individual was below or above age 18 at the date of entry.³⁹ OIG-NYPD determined a representative sample to be 383 individuals — OIG-NYPD ultimately reviewed 379

entries for 378 individuals (59 entries were associated with individuals under 18 and 320 were associated with individuals who were 18 and over).⁴⁰

All 379 entries were assessed using the individual's age (younger than 18 or 18 and older) as provided within the CGD export and the actual review date [see Table 1]. Of the 379 entries, 23 had been reviewed on or before the scheduled due date. Twenty-one of the 23 were renewed due to an arrest and the remaining two were deactivated. One of the two was erroneously renewed and deactivated a year later.

⁴⁰ NYPD initially produced 338 renewal, deactivation, and person maintenance DD5s. Of those 338 DD5s, 261 were renewal DD5s, 70 were deactivation DD5s, and seven were person maintenance DD5s. At the time, DD5s for an additional 47 individuals were not provided. NYPD advised that DD5s did not exist either because they could not be located or could not be accessed because of a technical issue. The Department confirmed that the electronic system that flags individuals in the database for review failed to flag 34 of the entries due to a vendor coding error. As a result of follow-up with NYPD five individuals were removed from the sample leaving 379 entries for 378 individuals.

Table 1: All Entries Reviewed Separated by Adults and Minors

Two hundred and five entries were reviewed within 0 to 6 months of the scheduled review date. Of the 205 entries reviewed, 174 were renewed and 31 were deactivated. One hundred and forty-nine entries were delayed 6 to 60 months, and the remaining two entries were delayed 60 months or more. Of this total of 151, 87 of those were renewed and 64 were deactivated.

In October 2023 NYPD updated its review process to a two-year review from the date of entry for those activated as minors (under age 18) and a three-year review from the date of entry for those activated at 18 or older. It should however be noted that NYPD can conduct a review at any time based on its discretion.⁴¹ The prior review cycle was every three (3) years, and then on an individual's twenty-third (23rd) and

⁴¹ Renewals based on two- and three-year review cycles occur only if the individual was arrested for a violent crime, possession of a weapon, or another crime in furtherance of the group; the person is on parole or probation as the time of removal review; or the person is in custody.

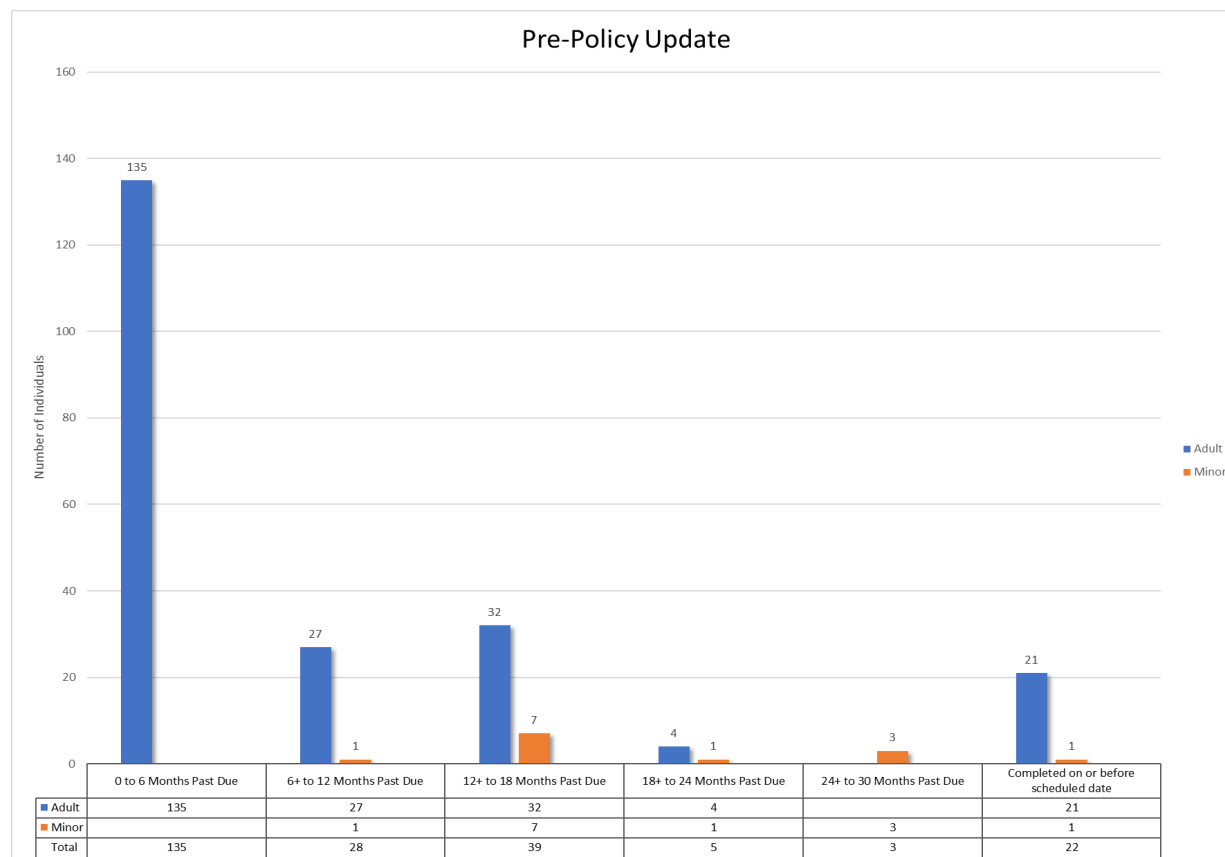
twenty-eight (28th) birthdays for those 18 and older, and every two years if they were younger than 18 at the time of activation.

a. Pre-Policy Update — October 2023

Two hundred and thirty-two (232) were reviewed prior to the updated IUP in October 2023 [see Table 2]. All 232 entries were assessed by this Office to determine if there were any delays. Thirteen (13) of the entries were individuals below 18 at the time of activation who should have been reviewed within two years of their activation date. One entry was reviewed on time and the remaining 12 entries were delayed for periods ranging from 6 to 30 months. Of those 13, ten (10) were renewed and three (3) were deactivated.

The remaining 219 were all adults. Twenty-one (21) were reviewed on or before their scheduled date. One hundred thirty-five (135) were reviewed within 0 to 6 months of their scheduled date; 27 were 6 to 12 months past due; 32 were 12 to 18 months past due; and 4 were 18 to 24 months past due. Thirty-four (34) were deactivated and 185 were renewed.

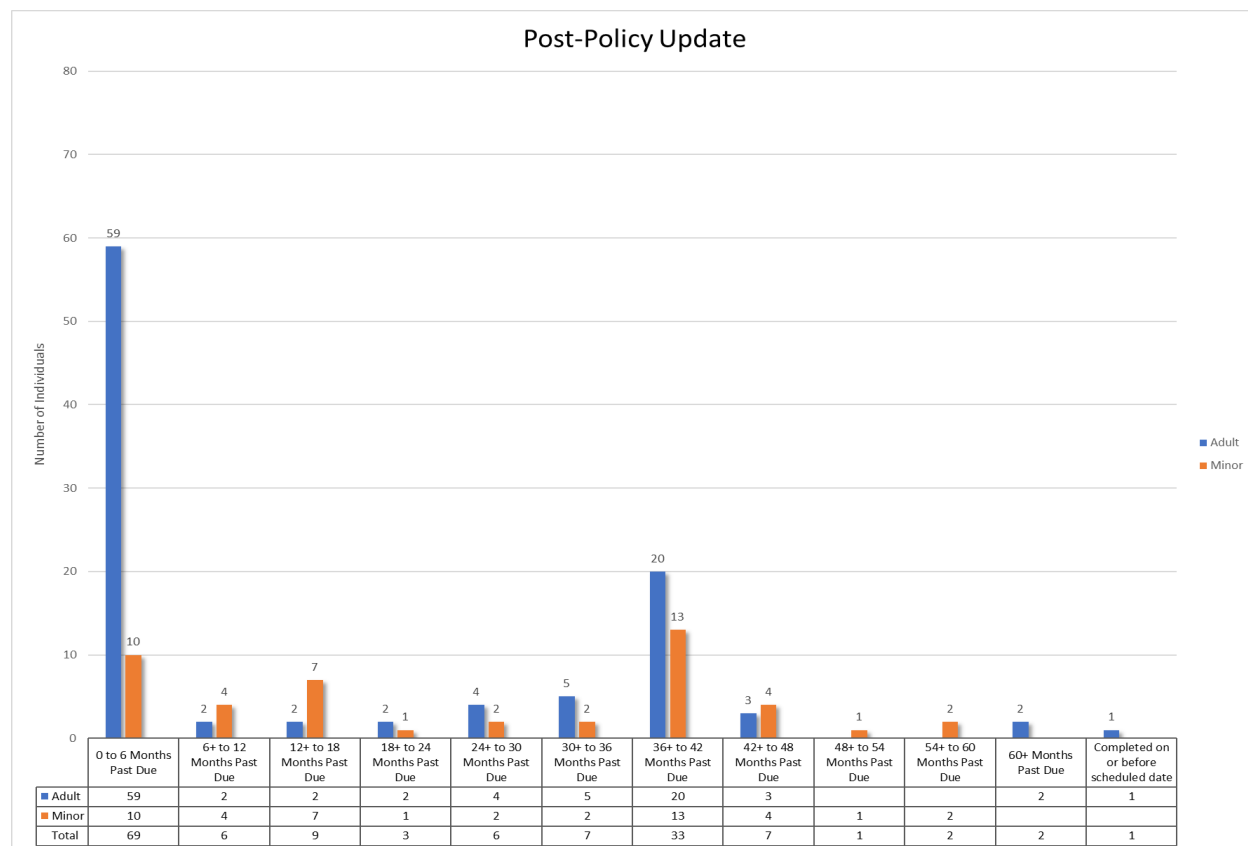
In total, with respect to adults and minors collectively, out of the 232 entries reviewed prior to the updated IUP, 195 were renewed and 37 were deactivated.

Table 2: Entries for Review – Before October 2023

b. Post-Policy Update — October 1, 2023

One hundred and forty-six (146) entries were reviewed after October 1, 2023 to determine if there were delays in conducting the review. For those reviewed after the policy change, 46 were below 18 at the time of activation, and should have been reviewed within two years of their activation date. Ten (10) of those 46 were reviewed between 0 and 6 months of their respective activation dates, the remaining 36 were delayed between 6 and 60 months after the designated review date [see Table 3]. Of the 46 minors reviewed, 15 were deactivated, and 31 were renewed.

The remaining 100 were adults. One entry was reviewed on or before its scheduled date; 59 were reviewed between 0 and 6 months after their respective dates, 38 individuals were delayed between 6 and 48 months, and the remaining two were delayed more than 60 months. Of the 100 adults reviewed, 45 were deactivated and 55 were renewed.

Table 3: Entries for Renewal/Deactivation Review – After October 2023

OIG-NYPD engaged with NYPD in April 2025 regarding extensive delays in reviews that had been identified. The Department acknowledged those delays and on May 14, 2025 provided a response noting that the delays had been drastically reduced with the oldest case awaiting review for 11 days. At that same time NYPD noted that some individuals were missing renewal or deactivation DD5s because the system did not provide a notification for review, due to a programming error, and that others were not yet due. NYPD subsequently advised that as of August 19, 2025 the maximum delay was eight days.

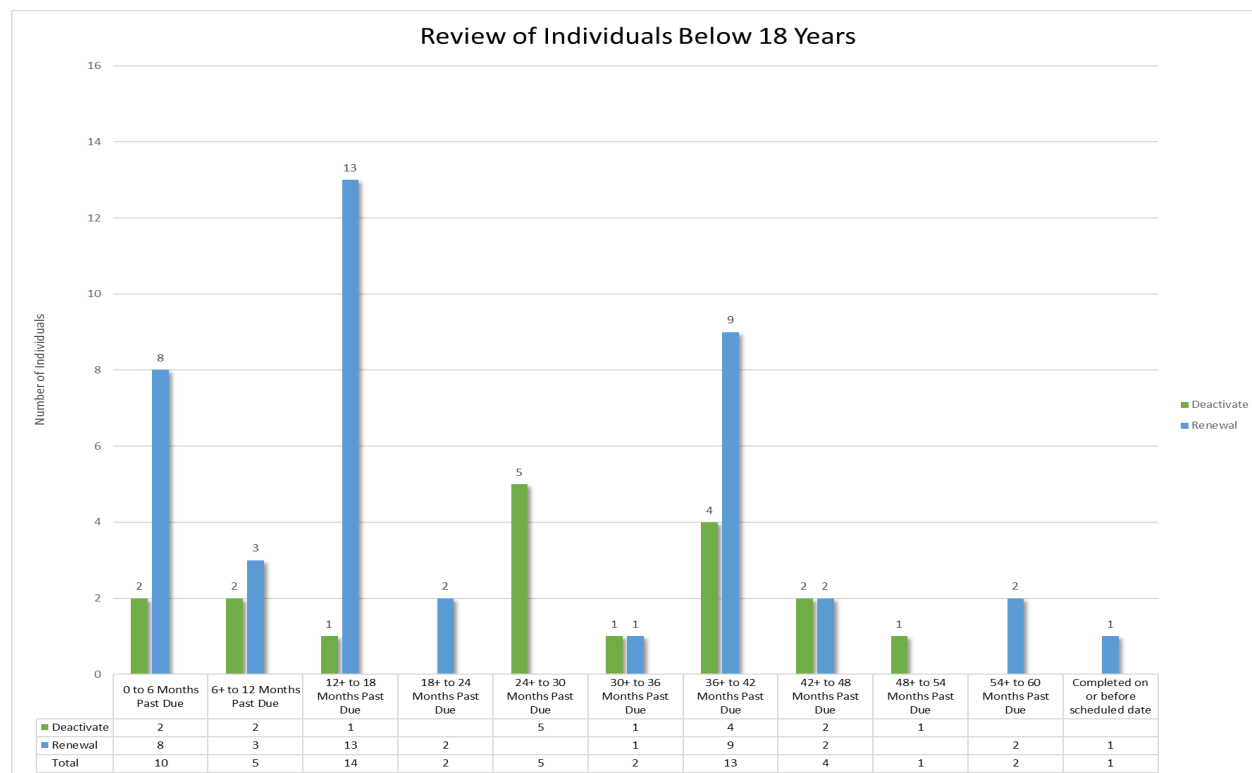
Since then, in response to an additional request from OIG-NYPD the Department identified at least two additional errors. In September, NYPD noted that it had identified 3,846 database entries that had not been placed in queue for renewal and deactivation when they were due. At that time NYPD noted that it had cleared that backlog—deactivating 3,478 entries and renewing 368 entries. Then in October, the Department advised that an additional vendor coding error was found that impacted the review date of an additional 1,959 people. NYPD noted that as of September 19, 2025, 33 out of the 1,959 remained overdue and those individuals had been reviewed as of October 6, 2025; 23 were renewed and 10 were deactivated. The Department also committed to quarterly checks of the CGD for proper technical function and agreed to provide confirmation to OIG-NYPD that the code continues to run consistently with Department policy.

c. Review for Renewal and Deactivation of Minors

NYPD acknowledged that the two-year period had been extended an additional year for those individuals who turned 18 prior to their two-year review cycle due to an error impacting the algorithm that set the review dates for individuals within the database.

That algorithmic error added an additional year for the review of individuals activated into the database before they turned 18. Based on the sample OIG-NYPD reviewed, fifty-nine of the 378 individuals within the sample were younger than 18 at the time of activation and should have been reviewed two years following activation. All 59 entries were assessed for delays [see Table 4]. Of the 59 entries, 1 was completed on time; 10 were completed within 0 to 6 months of the scheduled review; 5 were past due by 6 to 12 months; and the remaining 43 had delays ranging from 12 to 60 months. Of the 59 entries, 18 were deactivated and 41 were renewed.

On July 8, 2025, the Department confirmed that the error had been corrected by the vendor, such that thereafter, all individuals activated into the CGD under age 18 will be reviewed every two years from the date of activation pursuant to the October 2023 Chief of Detectives Memorandum.

Table 4: Delay Analysis of the 59 Entries Reviewed

d. Recommendation 3 – Multilevel Review Process for Renewal and Deactivation

While NYPD accepted recommendation 3, which proposes a multilevel review process for activations, renewals, and deactivations, NYPD updated its policies to require a multilevel review process for activations only. As a result, the renewal DD5 only provides for a reporting officer and reviewing supervisor to sign-off, requiring what appears to be two levels of review but not three, as the activation requires [see Figure 3 for renewal DD5 and Figure 4 for activation DD5]. In the renewal documentation that this Office reviewed, there was in fact only one level of review for those DD5s, because the member of RTCC/SMART signed the form twice, as both the reporting officer and the reviewing supervisor. Therefore, NYPD should ensure at minimum that an independent supervisor reviews and signs off on all renewal DD5s, that is, there are at least two levels of review for renewal determinations.

Figure 3:

Reporting Officer:	Rank	Name		Tax Reg. No.	Command
Reviewing Supervisor:	Manner of Closing	Date Reviewed:	Date of Next Review	Name	Supv. Tax No.

Figure 4:

Reporting Officer:	Rank	Name		Tax Reg. No.	Command
Reviewing Supervisor:	Manner of Closing	Date Reviewed:	Date of Next Review	Name	Supv. Tax No.
Endorser:	Rank	Name		Tax Reg. No.	Command
	Endorsement Date	Comments			

e. Recommendation 5 – Application of Guidance to Renewal DD5s

As noted earlier, per NYPD policy, individuals renewed into the database prior to October 2023 were reviewed every two (2) years if under 18, every three (3) years if 18 and older from the date that they were added to the database, and again on their twenty-third (23rd) and twenty-eight (28th) birthdays to determine if renewal was necessary. The IUP did not provide guidance as to when removal was or was not necessary. The April 11, 2021 IUP simply stated that the individuals are reviewed “...to determine if their actions and records warrant continued inclusion.”⁴²

Two hundred and thirty-two (232) individuals were reviewed by NYPD prior to October 2023 and 195 were renewed. Of those 195, one hundred seventeen (117) were arrested, 18 were in custody, 10 were on parole or probation, 29 had police contact within 3 years, and 21 listed “social media account active” as the reason for renewal. In October 2023, the Department updated its IUP to reflect the new review policy, and to require a review every two years from the date of entry for those activated

⁴² See Appendix C

when under 18 and a review every three years from the date of entry for those activated at the age of 18 or older. At the time of review, individuals must be removed unless one of the following is true:

1. The subject was arrested for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group's activities;
2. The subject is on parole or probation at the time of removal review; or
3. The subject is in the custody of any local city, state, or federal correctional facility or similar complex at the time of removal review.

One hundred forty-six (146) were reviewed by NYPD after October 15, 2023, and 86 of those were renewed. Of those 86, all except one was renewed for reasons consistent with the updated IUP and Chief of Detectives Memorandum. That individual had been renewed in error and later deactivated.

Lastly, there was no supporting documentation attached to the renewal DD5s to substantiate the fact of an arrest, parole, probation or custody as required by the Chief of Detectives Memorandum.

f. Recommendation 13 and 14 – Use of Sealed Records for Renewal Determinations

The Office also learned that even when an arrest is sealed and reflected as such in materials visible to NYPD officers making activation and renewal determinations, the top arrest charge, date, and arrest number remains visible for sealed arrests. Per this Office's prior recommendation, NYPD has committed to changing the activation and renewal DD5s so that they no longer contain this information.

Additionally, there were 10 renewal DD5s that indicated an individual was being renewed within the CGD based on a new arrest. The only "new arrest" in the documentation that this Office reviewed appeared to be sealed, but because the date of the sealing was not known to this Office, it was not clear whether the arrest was sealed at the time of renewal or was unsealed at that point but sealed thereafter. Upon follow-up with NYPD, the Office confirmed that four of the ten renewals were in fact based on arrests that were sealed at the time of the renewal, but those

renewals occurred prior to the issuance of the Chief of Detectives Memorandum that made clear that renewals could not be based on sealed arrests. Another six were sealed after the renewal determination, such that the renewal was appropriately based on an arrest that was not sealed at the time the renewal determination was made.

Every six months, NYPD should review individuals renewed based on arrests, to ensure that renewals were not based on an arrest that was subsequently sealed. At a minimum, NYPD should explore whether it is feasible to audit renewals on this basis. It is this Office's position that individuals should be removed from the database if the only basis to include them is an arrest that is subsequently sealed.

VI. Conclusion

In response to the 2023 Report NYPD accepted 11 of the 17 issued recommendations, five were rejected, and one remains under consideration. This report focused on the implementation status of eight of the eleven recommendations.⁴³ Of those eight recommendations, four are assessed as fully implemented and four are partially implemented. Two of the remaining three recommendations have also been fully implemented, while no progress has been made on the third.

Consistent with a finding from the 2023 report that stated that "...there was no mechanism that ensures that the reviews are actually conducted on schedule by NYPD staff," this Office determined that extensive delays remained based on the samples that we assessed.⁴⁴ NYPD has explained that the delays were due to a staffing shortage and programming errors that have now been corrected, and has represented that the review delays are currently a matter of days, not weeks. To ensure that reviews are occurring as required by Departmental policy, NYPD will add a required field on all renewal and activation DD5s that will contain the individual's next review date and will place individuals into a queue for review 15 days in advance of the noted date. NYPD has also advised that it will conduct

⁴³ NYPD provided DD5s in response to Recommendation 17, those documents were used to assess NYPD's implementation of recommendations 2-6, 11, 13-14. The remaining two recommendations (1 and 15) remain partially implemented. In response to recommendation 1, NYPD has not published a statement describing how the CGD contributes to public safety and violent crime reduction strategies. In response to recommendation 15, NYPD acknowledged that the extensive delays in the renewal process were a result of RTCC Social Media Analysis & Research Team being short-staffed.

⁴⁴ See N.Y.C. Dep't of Investigation, *AN INVESTIGATION INTO NYPD'S CRIMINAL GROUP DATABASE* (Apr. 2023), page 6, at <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

quarterly checks of the technical function of the database to confirm that the code is running consistently with Department policy.

NYPD confirmed that individuals who were activated into the database at 16 and 17 years old and turned 18 prior to their two-year review period, should be reviewed at two years following their date of activation, not three years. There were 59 individuals who were under 18 when they were activated. Only one of the 59 had been reviewed on time, 10 were completed within 0 to 6 months, 5 were completed between 6 and 12 months, but the remaining 43 had delays ranging from 12 to 60 months beyond the two years. The Department advised that these delays were due to a database error that has since been corrected. According to the Department, individuals activated into the database at age 16 and 17 will be reviewed at two years from the date of official activation pursuant to the October 2023 Chief of Detectives Memorandum.

NYPD has made substantial progress towards implementation of those accepted recommendations issued within the 2023 Report. Of the eight recommendations assessed within this report, NYPD has fully implemented four and partially implemented the remaining four.

Below is a summary of OIG-NYPD's key findings, as well as 13 new recommendations for further improvement.

VII. Summary of Key Findings and Recommendations

Based on the documents provided by NYPD regarding recommendations 2-6, 11, 13, and 14 from the 2023 Report, the Office makes the following findings:

1. NYPD updated its CGD IUP within 88 days of accepting Recommendation 2. The updated IUP described the activation process, and the changed criteria for renewal and deactivation of individuals. However, the IUP did not identify by name the law enforcement or external entities with whom the Department may share information. As a result, Recommendation 2 is considered partially implemented.
2. Consistent with the findings from the 2023 Report, the renewal and deactivations are not reviewed by a supervisor or otherwise subject to a multilevel review process, contrary to the 2023 recommendation which NYPD had accepted. NYPD policy requires a multilevel review process for

activations but there is no process written into policy for renewals and deactivations, as a result, recommendation 3 is partially implemented.

3. NYPD has issued an internal memorandum describing in detail the activation, renewal, and deactivation processes, discussed the types of evidence necessary to support activation into the CGD, memorialized in writing the multilevel authorization process for activation, provided some guidance related to completing the Person Maintenance and Activation DD5s, explained the youth notification process for those under 18 activated into the CGD, and provided updated entry criteria. Despite this guidance, some reporting officers completed the Activation DD5s incorrectly. For example, on DD5s where two independent sources were required, there were reporting officers who listed themselves as one of the two sources. In another instance, the reporting officer listed themselves as an independent source when the selected entry criteria did not require that a source be named to support the activation. These findings were limited to a select few reporting officers. As a result, recommendation 4 is considered implemented.
4. NYPD updated its IUP to include written guidance for the completion of Activation DD5s, which notes “a written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry.” However, the IUP fails to provide specific details about the required content of that narrative or supporting documentation. The Chief of Detectives Memorandum does provide sufficient direction, including more detail about the type of support necessary for the nomination. This finding is associated with recommendation 4 and is therefore considered implemented.
5. NYPD generally improved the nature and extent of the narrative details and other supporting evidence included in the Activation and Person Maintenance DD5s. The DD5s included more details within the narrative section. Officers included URLs when required except in a few instances, as well as relevant screenshots for all individuals activated under Option A (1).⁴⁵ However, in the instance where two independent sources were identified for activation, the information derived from the sources to justify a nomination was general in nature, appearing to be boilerplate language.

⁴⁵ Option 1 is when an individual admits their membership within the criminal group to a member of NYPD or admits by using language and symbols of membership on their own social media account.

Some sources did not provide any context for their “reasonable belief” of an individual’s criminal group membership. Supportive narratives from sources generally stated that “in conference with the field intelligence officer, they had knowledge that the individual was a member of, or known to the precinct as a member of a specific gang.” Because NYPD has provided written guidance about the application of the entry criteria, recommendation 4 is considered implemented, however officers should be instructed to document the specific information from independent sources that supports a determination of gang membership.

6. While NYPD updated its CGD IUP and issued a Chief of Detectives Memorandum to address the circumstances that can justify renewal, it provided limited guidance related to the completion of renewal DD5s within the IUP. However, the Chief of Detectives Memorandum does state if an individual remains within the database RTCC/SMART must include supporting documentation for continued inclusion. Since the Chief of Detectives Memorandum states that supporting documentation must be included for continued inclusion, recommendation 5 is considered implemented.
7. Within its IUP, NYPD changed those who could recommend someone for entry from a precinct field intelligence officer, an investigator assigned to a Detective Bureau Gang Squad, or an investigator assigned to the Social Media Analysis and Research Team, to NYPD personnel from the Intelligence Bureau, Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands. According to NYPD, these individuals have narrow investigative functions with a focus on high-crime areas and gang-related activity and therefore are the appropriate units to nominate individuals into the CGD.
8. With respect to qualifying conduct that justifies renewal into the database, (Recommendation 6), NYPD has updated its IUP to include an arrest “for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group’s activities” as qualifying conduct that is sufficient for renewal. As a result, recommendation 6 is considered implemented.
9. In the updated IUP and the Chief of Detectives Memorandum, NYPD included a new YCO parental/guardian notification process for those under the age of 18, with notification required to take place within 60 days after activation into the database. Despite the updated IUP and the Chief of

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- Detectives Memorandum, the Department failed to complete any notifications. The Office brought this issue to NYPD's attention, and NYPD advised that a new procedure will be implemented that will require the nominating detective, not the YCO, to notify the juvenile's parent or guardian. That procedural change is still pending. As a result, recommendation 11 is considered partially implemented.
10. NYPD updated the IUP and Chief of Detectives Memorandum to note that inclusion in the CGD cannot be based on a sealed arrest, however, these updated policies do not address the issue of ensuring that officers do not have access to sealed arrest information. DD5s clearly indicate that an arrest has been sealed, and information such as the complainant, or narrative about the incident is unavailable. However, the arrest number, arrest date, and top arrest charge are still visible on DD5s. The Department has represented to this Office that it plans to change the activation and renewal DD5s so that they no longer contain this information, but this change has not yet been made. As a result, recommendation 13 is considered partially implemented.
 11. As noted above, NYPD included in the updated IUP and Chief of Detectives Memorandum that inclusion in the CGD cannot be based on a sealed arrest. There were 10 DD5s reviewed by OIG-NYPD that included cases where renewals were based on an arrest, and all of the arrests were sealed at the time of OIG-NYPD's review. The Office confirmed that four of the ten renewals were based on arrests that were sealed at the time of the renewal determination, but those four determinations were made prior to the issuance of the Chief of Detectives Memorandum that made clear that renewal cannot be based on a sealed arrest. The other six arrests were sealed after the renewal determination, meaning that they were unsealed at the time the renewal determination was made, and appropriately relied on at that time. As such, recommendation 14 is implemented.
 12. The 2023 Report found that the average delay for the review of entries was 69.1 days for the entire sample, 28.9 days for adults, and 188.9 days for minors. For this review, delays were even longer with at least 151 entries (48 minors and 103 adults) between 6 and 60+ months past due at the time of their renewal or deactivation. OIG-NYPD conveyed those figures to NYPD during the course of this investigation and NYPD promptly undertook efforts to reduce any remaining delays. NYPD now represents that the maximum delay for renewal and deactivation review is eight days.

13. The IUP and Chief of Detectives Memorandum makes it clear that those under 18 at the time of activation or renewal must be reviewed every two years from the date of that activation or renewal; and those 18 years or older at the time of activation or renewal must be reviewed every three years from the date of that activation or renewal. The Office's investigation found that the automated review system incorrectly extended the review time from two years to three years if a person was activated at 16 or 17 and turned 18 prior to their two-year review period. There were 59 individuals under 18 who were reviewed as part of this update. Forty-eight individuals were delayed for review from 6 to 60 months. According to NYPD this was due to a vendor coding error that has now been corrected. Moving forward those activated at 16 or 17 will be reviewed at their two-year review period.

OIG-NYPD makes the following new recommendations based on the findings within this report:

1. Ensure that all uniformed personnel authorized to nominate individuals into the CGD receive training about the requirements of the IUP and the Chief of Detectives Memorandum.
2. Update the IUP and Chief of Detectives Memorandum to require the two independent reliable sources to provide substantive explanations for their reasonable belief of an individual's criminal group membership and to document those explanations on activation DD5s.
3. Update the IUP and Chief of Detectives Memorandum to clarify that the two independent sources should be different from the reporting officer.
4. Update the IUP to mirror the detailed guidelines included within the Chief of Detectives Memorandum.
5. Update the IUP and Chief of Detectives Memorandum to reflect a multilevel review process for renewals and ensure that a supervisor reviews and signs off on all renewal DD5s, as previously recommended and accepted by the Department, and list the required supporting documentation.
6. Update the IUP to require the nominating detective to notify the juvenile's parent or guardian within 60-days of activation into the CGD.

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7. Update the IUP and Chief of Detectives Memorandum to ensure that renewal and activation DD5s include a required field containing the individual's next review date.
 8. Create, and memorialize in writing, an internal audit requirement to ensure that notifications to parents of minors added to the database are made, that the associated Notification DD5s are completed, and that the notification appears within a new column in the database as required by the Chief of Detectives Memorandum.
 9. Confirm whether any individual activated at age 16 or 17 has been in the database for over two years without a review, due to the coding error identified above and review any such individual to determine whether they should be renewed into the database or deactivated.
 10. Ensure that supporting documentation is included for all renewals.
 11. Conduct quarterly audits to ensure that there are no past due entries for review, and if there are, renew or deactivate them immediately.
 12. Review individuals renewed based on an arrest every six months to ensure that renewals are not based on arrests that are subsequently sealed. NYPD should at minimum explore whether it is feasible to audit renewals for this purpose.
 13. Collect, analyze, and publish data concerning the number of entries added, renewed, and deactivated from the database annually.

VIII. Appendix A: List of Recommendations and NYPD's Initial Response

Accepted Recommendations	
Rec. 1	Within 180 days, NYPD should publish a statement on its website describing how the CGD contributes to the Department's public safety and violent crime reduction strategies.
Rec. 2	Within 180 days, NYPD should revise the IUP for the CGD to describe the activation, renewal, and deactivation processes, explain the nature and extent of the evidence required to satisfy the entry criteria, and identify by name the law enforcement and other external entities with whom NYPD may share information about the individuals included in the CGD, for investigative or other purposes. The document should also describe the security protections that prevent unauthorized parties, within or outside of NYPD, from accessing the CGD.
Rec. 3	NYPD should require a multilevel review process (memorialized in writing) for the activation, renewal, and deactivation of all entries in the CGD, supported by the signature of each reviewer where required.
Rec. 4	NYPD should provide written guidance to officers explaining how to apply the Option A and B entry criteria, including examples of the type and extent of evidence that is sufficient for activation.
Rec. 5	NYPD should provide written guidance for officers about how to complete the Person Maintenance, Activation, and Renewal DD5s for the maintenance and entry of individuals into the CGD, and should include a requirement that available documentation be attached to the DD5s to substantiate that entry criteria are satisfied.
Rec. 6	NYPD should create a list of police encounters and arrest types that constitute "qualifying police contact," for purposes of renewal determinations, to be used by officers responsible for deciding whether to renew or deactivate individuals from the CGD.
Rec. 11	NYPD should notify parents or guardians of minors that their children have been included in the CGD, within 60 days of inclusion, unless notification would interfere with active criminal investigations.
Rec. 13	NYPD should ensure that officers completing Person Maintenance, Activation and Renewal forms do not have access to sealed arrest information for that purpose, including, but not limited to ensuring that these DD5 forms do not autofill with sealed arrest information, unless explicitly authorized by law.
Rec. 14	NYPD should not consider sealed arrests when making CGD activation and renewal determinations.
Rec. 15	NYPD should increase the number of staffers assigned to support the administration of the CGD.
Rec. 17	Annually, as requested, NYPD should provide a random sample (including minors) of all Activation, Renewal and Deactivation DD5s and any supporting documentation to OIG-NYPD for review.
Recommendation Under Consideration	
Rec. 10	NYPD should require and convene a special review panel of Department personnel to approve the activation of minors into the CGD, documented by the signature of the chair of the group.

Rejected Recommendations	
Rec. 7	Within 180 days, NYPD should begin a review of each entry in the CGD to determine whether inclusion is still warranted. That analysis should be completed by the Department within one year after the publication of this Report.
Rec. 8	NYPD should require, by written policy, the review of all CGD entries every twelve months for minors and every eighteen months for adults.
Rec. 9	NYPD should make inaccessible via DAS and other search methods all CGD entries that are not evaluated within 60 days of review deadlines, until those entries are reviewed
Rec. 12	NYPD should create a process for minors and their parents to appeal their inclusions in the database if the minors have no contact with law enforcement over a twelve-month period.
Rec. 16	NYPD should create a written policy formalizing its intention, after an individualized assessment, to generally grant FOIL requests by individuals with respect to whether they are in the CGD, by providing them with redacted versions of any relevant supporting documents if they are in the database, and by informing them that there are no relevant documents, if they are not.

IX. Appendix B: Impact and Use Policy – October 2023



**CRIMINAL GROUP DATABASE:
IMPACT AND USE POLICY**

October 13, 2023

**CRIMINAL GROUP DATABASE:
IMPACT & USE POLICY**

SUMMARY OF CHANGES BETWEEN DRAFT & FINAL POLICY

Update	Description of Update
Removed statement that the criminal group database does not use artificial intelligence and machine learning.	Public comments highlighted a lack of industry-standard definitions for artificial intelligence or machine learning.
Expanded upon the criminal group database capabilities.	Added language clarifying the criminal group database capabilities. Added language describing how the criminal group database compliment other NYPD technologies.
Expanded upon the criminal group database rules of use.	Added language clarifying the criminal group database rules of use.
Expanded upon the criminal group database safeguard and security measures.	Added language regarding information security. Added language to reflect the removal of access to the criminal group database when job duties no longer require access.
Expanded upon the criminal group database data retention.	Added language to reflect NYPD obligations under federal, state, and local record retention laws.
Expanded upon the criminal group database external entities section.	Added language to reflect NYPD obligations under the local privacy laws.
Grammar changes.	Minor syntax edits were made.

**CRIMINAL GROUP DATABASE:
IMPACT & USE POLICY****CRIMINAL GROUP DATABASE ADDENDUM**

Date of Addendum	Addendum Description
October 13, 2023	Revised information regarding nomination criteria, nominating commands, nomination review, and removal review to reflect current NYPD policy.

**CRIMINAL GROUP DATABASE:
IMPACT & USE POLICY****ABSTRACT**

Information and intelligence gathering is a critical component of modern policing and an invaluable tool for detectives investigating crime. In support of its mission of reducing violent crime and protecting the public, the New York City Police Department's (NYPD) Criminal Group Database provides investigators with information about alleged gang members and additional intelligence relating to street gangs.

The NYPD produced this impact and use policy because the criminal group database is capable of sharing audio data and both still and video images with NYPD investigators.

CAPABILITIES OF THE TECHNOLOGY

Often referred to as the "Gang Database," the NYPD Criminal Group Database is used as an investigative resource to maintain consistent, up-to-date intelligence regarding criminal groups and street gangs. Based in an NYPD case management system, the Criminal Group Database efficiently centralizes vital criminal group related intelligence that would otherwise be kept throughout different isolated data compartments within the NYPD.

Information such as criminal group names, associated incidents, geographic data, inter-criminal group dynamics and relationships, and alleged criminal group membership, including lawfully-obtained photographs, aliases, addresses, known associations, is consolidated in such a way that NYPD investigators are able to discern trends, relationships, and patterns to enhance public safety, criminal investigations, and resource allocation.

Subjects cannot be entered into the NYPD Criminal Group Database automatically; inclusion data must be manually inputted into the database. If a person is fingerprinted by law enforcement, inclusion in the database does not appear in a person's criminal history or record of arrest. The NYPD Criminal Group Database cannot be accessed through the NYPD Domain Awareness System (DAS¹). However, if DAS is used to search for information connected to a person included in the criminal group database, that inclusion will appear along with the name of the criminal group.

The Criminal Group Database does not use any biometric measuring technologies. The NYPD Criminal Group Database does not use facial recognition technologies and cannot conduct facial recognition analysis. However, still images within the database may be used as a probe image for facial recognition analysis.²

RULES, PROCESSES & GUIDELINES RELATING TO USE OF THE TECHNOLOGY

NYPD Criminal Group Database policy seeks to balance the public safety benefits of this technology with individual privacy. The Criminal Group Database must be used in a manner consistent with the requirements and protection of the Constitution of the United States, the New York State Constitution, and applicable statutory authorities

¹ For additional information on DAS, please refer to the DAS impact and use policy.

² For additional information on facial recognition, please refer to the facial recognition impact and use policy.

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Entry into the database is not proof of criminal behavior, it is simply an investigative lead. Entry alone is not grounds for a stop, arrest, or any other enforcement action. The database can only be accessed by limited authorized NYPD personnel. NYPD personnel may only access the database for legitimate law enforcement purposes.

A subject may be included in the Criminal Group Database if one (1) of two (2) criteria are met. The first criteria requires the subject to exhibit some form of personal acknowledgement of criminal group membership, by either a self-admission of criminal group membership to a member of the NYPD or a self-admission of criminal group membership on the subject's own social media account(s).

A subject would be eligible for inclusion in the Criminal Group Database under the second criteria if, during the course of an investigation, there is a reasonable belief that the subject is a member of a criminal group, and that person is identified as a member of a criminal group by two (2) independent and reliable sources.

A subject must be recommended for entry prior to the subject being included in the Criminal Group Database. NYPD personnel with the authority to recommend a subject for entry into the database is limited to the following: Intelligence Bureau, Detective Bureau Borough Narcotics Commands, and Detective Bureau Gun Violence Suppression Unit and its sub-commands.

A written narrative and supporting documentation must accompany the recommendation for Criminal Group Database entry. A supervisor of the individual submitting a candidate for nomination into the Criminal Group Database then review the materials and adopt the recommendation. The recommendation is then reviewed by the Real Time Crime Center, Social Media Analysis and Research Team and the Real Time Crime Center, Social Media Analysis and Research Team supervisor, who will either approve or reject the recommendation, or request additional analysis be performed before making a decision. If the Real Time Crime Center, Social Media Analysis and Research Team and the Real Time Crime Center, Social Media Analysis and Research Team supervisor approves the recommendation, then the subject is entered into the database.

If a subject entered into the Criminal Group Database is under the age of eighteen (18), the Youth Coordination Office (YCO) of the subject's resident precinct must notify a member of the family or extended family legally responsible for a subject that the subject has been included in the Criminal Group Database.

Subjects included in the Criminal Group Database must be reviewed to determine if their actions and records warrant continued inclusion. If a subject is under the age of eighteen (18), the subject is reviewed every two (2) years from date of entry. If the subject is eighteen (18) years old or older, the subject is reviewed every three (3) years from date of entry. NYPD personnel are automatically notified when a subject is eligible for removal review. Subjects must be removed from the Criminal Group Database unless one of the following is true:

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1. The subject was arrested for a violent crime, possession of a weapon, or any other crime committed in furtherance of the criminal group's activities;
2. The subject is on parole or probation at the time of removal review; or
3. The Subject is in custody of any local city, state, or federal correctional facility or similar complex at the time of removal review.

Once a subject is removed from the database, the fact that they once were affiliated with a criminal group is permanently hidden from the database and NYPD computer systems.

Court authorization is not required to use the Criminal Group Database. The Criminal Group Database only contains lawfully obtained information previously collected by NYPD personnel.

In accordance with the Public Oversight of Surveillance Technology Act, an addendum to this impact and use policy will be prepared as necessary to describe any additional uses of the Criminal Group Database.

No person will be the subject of police action solely because of actual or perceived race, color, religion or creed, age, national origin, alienage, citizenship status, gender (including gender identity), sexual orientation, disability, marital status, partnership status, military status, or political affiliation or beliefs. Inclusion or maintenance in the Criminal Group Database cannot be based on a sealed arrest.

The misuse of the Criminal Group Database will subject employees to administrative and potentially criminal penalties.

SAFEGUARD & SECURITY MEASURES AGAINST UNAUTHORIZED ACCESS

The Criminal Group Database is confidential-password-protected and access is restricted to only authorized users. Access to the database is limited to personnel who have an articulable need for access in furtherance of lawful duty, relating to the official business of the NYPD. Authorization must be requested by a Commanding Officer, and approved by the Information Technology Bureau (ITB).

Access to the Database is limited to authorized users who are authenticated by username and password. Database access is limited to NYPD personnel with an articulable need to use the database in furtherance of a lawful duty. Access to the Criminal Group Database is removed when the technology is no longer necessary for NYPD personnel to fulfill their duties (e.g., when personnel are transferred to a command that does not use the technology).

The NYPD has a multifaceted approach to secure data and user accessibility within NYPD systems. The NYPD maintains an enterprise architecture (EA) program, which includes an architecture review process to determine system and security requirements on a case by case basis. System security is one of many pillars incorporated into the EA process. Additionally, all NYPD computer systems are managed by a user permission hierarchy based on rank and role via Active Directory (AD) authentication. Passwords are never stored locally; user authentication is stored within the AD. The AD is managed by a Lightweight Directory Access Protocol (LDAP) to restrict/allow port access. Accessing NYPD computer systems remotely requires dual factor

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authentication. All data within NYPD computer systems are encrypted both in transit and at rest via Secure Socket Layer (SSL)/Transport Layer Security (TLS) certifications which follow industry best practices.

NYPD personnel must abide by security terms and conditions associated with computer and case management systems of the NYPD, including those governing user passwords and logon procedures. NYPD personnel must maintain confidentiality of information accessed, created, received, disclosed or otherwise maintained during the course of duty and may only disclose information to others, including other members of the NYPD, only as required in the execution of lawful duty.

NYPD personnel are responsible for preventing third parties unauthorized access to information. Failure to adhere to confidentiality policies may subject NYPD personnel to disciplinary and/or criminal action. NYPD personnel must confirm the identity and affiliation of individuals requesting information from the NYPD and determine that the release of information is lawful prior to disclosure.

Unauthorized access of any system will subject employees to administrative and potentially criminal penalties.

POLICIES & PROCEDURES RELATING TO RETENTION, ACCESS & USE OF THE DATA

The Criminal Group Database may only be used for legitimate law enforcement purposes or other official business of the NYPD including, in furtherance of criminal investigations, civil litigations and disciplinary proceedings. Authorized users are authenticated by username and password.

The Retention and Disposition Schedule for New York Local Government Records (the Schedule) establishes the minimum length of time local government agencies must retain their records before the records may be legally disposed.³ Published annually by the New York State Archives, the Schedule ensures compliance with State and Federal record retention requirements. The NYC Department of Records and Information Services (DORIS) publishes a supplemental records retention and disposition schedule (the Supplemental Schedule) in conjunction with the Law Department specifically for NYC agencies in order to satisfy business, legal, audit and legal requirements.⁴

The retention period of a “case investigation record” depends on the classification of a case investigation record. The classification of case investigation records is based on the final disposition of the case, i.e., what the arrestee is convicted of or pleads to. Further, case investigations are not considered closed unless it results in prosecution and appeals are exhausted, it results in a settlement, it results in no arrest, or when restitution is no longer sought.

Case investigation records classified as a homicide, suicide, arson (first, second or third degree), missing person (until located), aggravated sexual assault (first degree), course of sexual conduct

³ See N.Y. Arts & Cult. Aff. Law § 57.19 - 25, and 8 NYCRR Part 185.

⁴ See NYC Charter 3003.

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against a child (first degree), active warrant, or stolen or missing firearms (until recovered or destroyed), must be retained permanently. Case investigation records classified as a fourth degree arson or non-fatal (including vehicular accidents) must be retained for a minimum of ten (10) years after the case is closed. Case investigation records classified as any other felony must be retained for a minimum of twenty-five (25) years after the case is closed. Case investigation records classified as a misdemeanor must be retained for a minimum of five (5) years after the case is closed. Case investigation records classified as a violation or traffic infraction must be retained for a minimum of one (1) year after the case is closed. Case investigation records classified as an offense against a child as defined by the Child Victims Act, excluding aggravated sexual assault (first degree), course of sexual conduct against a child (first degree), must be retained until the child attains at least age fifty-five (55). Case investigation records connected to an investigation that reveals no offense has been committed by an adult must be kept for a minimum of five (5) years after the case is closed. Case investigation records connected to an investigation that reveals the individual involved was a juvenile and no arrest was made or no offense was committed must be kept for at least one (1) year after the juvenile attains age eighteen (18).

Personal information data files on criminals and suspects must be retained for at least five (5) years after the death of the criminal or suspect, or ninety (90) years after the criminal or suspect's date of birth as long as there has been no arrest in the last five (5) years, whichever is shorter. Personal information data files on associated persons, such as victims, relatives and witnesses must be retained as long as, or information as part of relevant case investigation record.

The misuse of any system will subject employees to administrative and potentially criminal penalties.

POLICIES & PROCEDURES RELATING TO PUBLIC ACCESS OR USE OF THE DATA

Members of the public may request information related to the NYPD Criminal Group Database pursuant to the New York State Freedom of Information Law. The NYPD will review and evaluate such requests in accordance with applicable provisions of law and NYPD policy.

EXTERNAL ENTITIES

If relevant to a criminal case, information is turned over to the prosecutor with jurisdiction over the matter. Prosecutors will provide the information to the defendant(s) in accordance with criminal discovery laws.

Other law enforcement agencies may request information contained in NYPD Criminal Group Database from the NYPD in accordance with applicable laws, regulations, and New York City and NYPD policies. The NYPD may provide information contained with the database to partnering law enforcement and city agencies pursuant to on-going criminal investigations, civil litigation and disciplinary proceedings. Information is not shared in furtherance of immigration enforcement. Affirmation that a subject is included in the NYPD's Criminal Group Database may be shared with other law enforcement agencies in the course of conducting joint gang/criminal group investigations.

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Information from the Criminal Group Database is not shared with the New York City Housing Authority or employers conducting background checks. Further, consistent with local law and NYPD policy, the Department does not share information in the database with Immigration and Customs Enforcement to conduct immigration enforcement, initiate deportation proceedings, or affect visa applications or citizen applications.

Following the laws of the State and City of New York, as well as NYPD policy, information contained in the database may be provided to community leaders, civic organizations and the news media in order to further an investigation, create awareness of an unusual incident, or address a community-concern.

Pursuant to NYPD policy and local law, members of the NYPD may disclose identifying information externally only if:

1. Such disclosure has been authorized in writing by the individual to whom such information pertains to, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;
2. Such disclosure is required by law and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;
3. Such disclosure furthers the purpose or mission of the NYPD and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;
4. Such disclosure has been pre-approved as in the best interests of the City by the City Chief Privacy Officer;
5. Such disclosure has been designated as routine by the Agency Privacy Officer assigned to the Legal Bureau;
6. Such disclosure is in connection with an investigation of a crime that has been committed or credible information about an attempted or impending crime;
7. Such disclosure is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent.

Government agencies at the local, state, and federal level, including law enforcement agencies other than the NYPD, have limited access to NYPD computer and case management systems. Such access is granted by the NYPD on a case by case basis subject to the terms of written agreements between the NYPD and the agency receiving access to a specified system. The terms of the written agreements also charge these external entities with maintaining the security and confidentiality of information obtained from the NYPD, limiting disclosure of that information without NYPD approval, and notifying the NYPD when the external entity receives a request for that information pursuant to a subpoena, judicial order, or other legal process. Access will not be given to other agencies for purposes of furthering immigration enforcement.

The NYPD purchases Criminal Group Database associated equipment or Software as a Service (SaaS)/software from approved vendors. The NYPD emphasizes the importance of and engages with vendors and contractors to maintain the confidentiality, availability, and integrity of NYPD technology systems.

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Vendors and contractors may have access to NYPD Criminal Group Database associated software or data in the performance of contractual duties to the NYPD. Such duties are typically technical or proprietary in nature (e.g., maintenance or failure mitigation). In providing vendors and contractors access to equipment and computer systems, the NYPD follows the principle of least privilege. Vendors and contractors are only allowed access on a “need to know basis” to fulfill contractual obligations and/or agreements.

Vendors and contractors providing equipment and services to the NYPD undergo vendor responsibility determination and integrity reviews. Vendors and contractors providing sensitive equipment and services to the NYPD also undergo background checks.

Vendors and contractors are legally obligated by contracts and/or agreements to maintain the confidentiality of NYPD data and information. Vendors and contractors are subject to criminal and civil penalties for unauthorized use or disclosure of NYPD data or information.

If information contained within the database is disclosed in a manner violating the local Identifying Information Law, the NYPD Agency Privacy Officer, upon becoming aware, must report the disclosure to the NYC Chief Privacy Officer as soon as practicable. The NYPD must make reasonable efforts to notify individuals effected by the disclosure in writing when there is potential risk of harm to the individual, when the NYPD determines in consultation with the NYC Chief Privacy Officer and the Law Department that notification should occur, or when legally required to do so by law or regulation. In accordance with the Identifying Information Law, the NYC Chief Privacy Officer submits a quarterly report containing an anonymized compilation or summary of such disclosures by City agencies, including those reported by the NYPD, to the Speaker of the Council and makes the report publically available online.

TRAINING

NYPD personnel using the NYPD Criminal Group Database receive command level training on the proper operation of the technology and associated equipment. NYPD personnel must operate the database in compliance with NYPD policies and training.

INTERNAL AUDIT & OVERSIGHT MECHANISMS

Recommendation of a subject into the Criminal Group Database requires a written narrative and supporting documentation that justify inclusion of the subject in the database. Recommendations are reviewed by the supervisor of the member of the service making the recommendation, the Real Time Crime Center, Social Media Analysis and Research Team and the Real Time Crime Center, Social Media Analysis and Research Team supervisor who will either approve or reject the recommendation, or request additional analysis.

Subjects included in the Criminal Group Database must be reviewed to determine if their actions and records warrant continued inclusion. If a subject is under the age of eighteen (18), the subject is reviewed every two (2) years from date of entry. If the subject is eighteen (18) years old or older, the subject is reviewed every three (3) years from date of entry. NYPD personnel are automatically notified when a subject is eligible for removal review. Additionally, the NYPD has a mechanism for self-initiated review at any time. Once a subject is removed from the database,

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the fact that they once were affiliated with a criminal group is permanently hidden from the database

Supervisors of personnel who have access to the Criminal Group Database are responsible for security and proper utilization of the technology and associated equipment. Supervisors are directed to inspect all areas containing NYPD computer systems at least once each tour and ensure that all systems are being used within NYPD guidelines.

Immutable audit logs are created when any information is searched or accessed through the NYPD Criminal Group Database. The log-in and use of the system is traceable to a particular user and periodically audited for misuse by the precinct or unit's Commanding Officer. Allegations of misuse are internally investigated at the command level or by the Internal Affairs Bureau (IAB).

All members of the NYPD are advised that NYPD computer systems and equipment are intended for the purposes of conducting official business. The misuse of any system will subject employees to administrative and potentially criminal penalties. Allegations of misuse are internally investigated at the command level or by IAB.

Integrity Control Officers (ICOs) within each Command are responsible for maintaining the security and integrity of all recorded media in the possession of the NYPD. ICOs must ensure all authorized users of NYPD computer systems in their command understand and comply with computer security guidelines, frequently observe all areas with computer equipment, and ensure security guidelines are complied with, as well as investigating any circumstances or conditions which may indicate abuse of the computer systems.

Requests for focused audits of computer activity from IAB, Commanding Officers, ICOs, Investigations Units, and others, may be made to the Information Technology Bureau.

HEALTH & SAFETY REPORTING

There are no known health and safety issues associated with the NYPD Criminal Group Database or the associated equipment.

DISPARATE IMPACTS OF THE IMPACT & USE POLICY

The safeguards and audit protocols built into the impact and use policy for the NYPD Criminal Group Database mitigate the risk of impartial and biased law enforcement. The Criminal Group Database is an investigative resource to maintain consistent, up-to-date intelligence regarding criminal groups and street gangs. The Criminal Group Database efficiently centralizes vital criminal group related intelligence that would otherwise be kept throughout different isolated data compartments within the NYPD. The Criminal Group Database does not use any biometric measuring technologies.

Critics have asserted that inclusion in the Criminal Group Database disparately impacts people of color and has significant collateral consequences. Entry into the Criminal Group Database is not proof of criminal behavior, it is only an investigative lead. Entry alone is not grounds for a stop, arrest, or any other enforcement action. Moreover, New York State does not permit civil gang injunctions such as those routinely utilized in other jurisdictions. Unlike many states, New York does not have a sentencing enhancement for gang/criminal group members, nor a statute that

X. **Appendix C: Impact and Use Policy – April 2021**



**CRIMINAL GROUP DATABASE:
IMPACT AND USE POLICY**

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SUMMARY OF CHANGES BETWEEN DRAFT & FINAL POLICY

Update	Description of Update
Removed statement that the criminal group database does not use artificial intelligence and machine learning.	Public comments highlighted a lack of industry-standard definitions for artificial intelligence or machine learning.
Expanded upon the criminal group database capabilities.	Added language clarifying the criminal group database capabilities. Added language describing how the criminal group database compliment other NYPD technologies.
Expanded upon the criminal group database rules of use.	Added language clarifying the criminal group database rules of use.
Expanded upon the criminal group database safeguard and security measures.	Added language regarding information security. Added language to reflect the removal of access to the criminal group database when job duties no longer require access.
Expanded upon the criminal group database data retention.	Added language to reflect NYPD obligations under federal, state, and local record retention laws.
Expanded upon the criminal group database external entities section.	Added language to reflect NYPD obligations under the local privacy laws.
Grammar changes.	Minor syntax edits were made.

**CRIMINAL GROUP DATABASE:
IMPACT & USE POLICY****ABSTRACT**

Information and intelligence gathering is a critical component of modern policing and an invaluable tool for detectives investigating crime. In support of its mission of reducing violent crime and protecting the public, the New York City Police Department's (NYPD) Criminal Group Database provides investigators with information about alleged gang members and additional intelligence relating to street gangs.

The NYPD produced this impact and use policy because the criminal group database is capable of sharing audio data and both still and video images with NYPD investigators.

CAPABILITIES OF THE TECHNOLOGY

Often referred to as the "Gang Database," the NYPD Criminal Group Database is used as an investigative resource to maintain consistent, up-to-date intelligence regarding criminal groups and street gangs. Based in an NYPD case management system, the Criminal Group Database efficiently centralizes vital criminal group related intelligence that would otherwise be kept throughout different isolated data compartments within the NYPD.

Information such as criminal group names, associated incidents, geographic data, inter-criminal group dynamics and relationships, and alleged criminal group membership, including lawfully-obtained photographs, aliases, addresses, known associations, is consolidated in such a way that NYPD investigators are able to discern trends, relationships, and patterns to enhance public safety, criminal investigations, and resource allocation.

Subjects cannot be entered into the NYPD Criminal Group Database automatically; inclusion data must be manually inputted into the database. If a person is fingerprinted by law enforcement, inclusion in the database does not appear in a person's criminal history or record of arrest. The NYPD Criminal Group Database cannot be accessed through the NYPD Domain Awareness System (DAS¹). However, if DAS is used to search for information connected to a person included in the criminal group database, that inclusion will appear along with the name of the criminal group.

The Criminal Group Database does not use any biometric measuring technologies. The NYPD Criminal Group Database does not use facial recognition technologies and cannot conduct facial recognition analysis. However, still images within the database may be used as a probe image for facial recognition analysis.²

RULES, PROCESSES & GUIDELINES RELATING TO USE OF THE TECHNOLOGY

NYPD Criminal Group Database policy seeks to balance the public safety benefits of this technology with individual privacy. The Criminal Group Database must be used in a manner consistent with the requirements and protection of the Constitution of the United States, the New York State Constitution, and applicable statutory authorities

¹ For additional information on DAS, please refer to the DAS impact and use policy.

² For additional information on facial recognition, please refer to the facial recognition impact and use policy.

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Entry into the database is not proof of criminal behavior, it is simply an investigative lead. Entry alone is not grounds for a stop, arrest, or any other enforcement action. The database can only be accessed by limited authorized NYPD personnel. NYPD personnel may only access the database for legitimate law enforcement purposes.

A subject can be included in the Criminal Group Database in one (1) of two (2) ways. The first way involves some form of acknowledgement of criminal group membership, by either: 1a) a self-admission of criminal group membership to a member of the NYPD; 2a) being identified as a member of a criminal group by two independent and reliable sources; or 3a) social media posts admitting to membership in a criminal group.

The second way requires two (2) of the following to be true: 1b) frequent presence at a known criminal group location; 2b) possession of criminal group-related documents; 3b) association with known criminal group members; 4b) social media posts with known criminal group members while possessing known criminal group paraphernalia; 5b) scars and tattoos associated with a particular criminal group; or 6b) frequent wearing of the colors and frequent use of hand signs that are associated with particular criminal groups. A subject will only be included in the Criminal Group Database if these actions are deemed a consistent course of conduct.

A subject must be recommended for entry prior to their inclusion in the Criminal Group Database. Only a limited number of NYPD personnel can recommend a subject be entered into the database: a precinct field intelligence officer; an investigator assigned to a Detective Bureau Gang Squad; or an investigator assigned to Social Media Analysis and Research Team.

A written narrative and supporting documentation must be provided with the recommendation for Criminal Group Database entry. This recommendation is reviewed by a supervisor in a Detective Bureau Gang Squad who will either approve or reject the recommendation, or request additional analysis by the NYPD Gang Analysis Section before making a decision.

Subjects included in the Criminal Group Database are reviewed every three (3) years, and on the subjects' twenty-third (23rd) and twenty-eighth (28th) birthdays to determine if their actions and records warrant continued inclusion. Additionally, the NYPD has a mechanism for self-initiated review at any time. Once a subject is removed from the database, the fact that they once were affiliated with a criminal group is permanently hidden from the database and NYPD computer systems.

Court authorization is not required to use the Criminal Group Database. The Criminal Group Database only contains lawfully obtained information previously collected by NYPD personnel.

In accordance with the Public Oversight of Surveillance Technology Act, an addendum to this impact and use policy will be prepared as necessary to describe any additional uses of the Criminal Group Database.

No person will be the subject of police action solely because of actual or perceived race, color, religion or creed, age, national origin, alienage, citizenship status, gender (including gender

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identity), sexual orientation, disability, marital status, partnership status, military status, or political affiliation or beliefs.

The misuse of the Criminal Group Database will subject employees to administrative and potentially criminal penalties.

SAFEGUARD & SECURITY MEASURES AGAINST UNAUTHORIZED ACCESS

The Criminal Group Database is confidential-password-protected and access is restricted to only authorized users. Access to the database is limited to personnel who have an articulable need for access in furtherance of lawful duty, relating to the official business of the NYPD. Authorization must be requested by a Commanding Officer, and approved by the Information Technology Bureau (ITB).

Access to the Database is limited to authorized users who are authenticated by username and password. Database access is limited to NYPD personnel with an articulable need to use the database in furtherance of a lawful duty. Access to the Criminal Group Database is removed when the technology is no longer necessary for NYPD personnel to fulfill their duties (e.g., when personnel are transferred to a command that does not use the technology).

The NYPD has a multifaceted approach to secure data and user accessibility within NYPD systems. The NYPD maintains an enterprise architecture (EA) program, which includes an architecture review process to determine system and security requirements on a case by case basis. System security is one of many pillars incorporated into the EA process. Additionally, all NYPD computer systems are managed by a user permission hierarchy based on rank and role via Active Directory (AD) authentication. Passwords are never stored locally; user authentication is stored within the AD. The AD is managed by a Lightweight Directory Access Protocol (LDAP) to restrict/allow port access. Accessing NYPD computer systems remotely requires dual factor authentication. All data within NYPD computer systems are encrypted both in transit and at rest via Secure Socket Layer (SSL)/Transport Layer Security (TLS) certifications which follow industry best practices.

NYPD personnel must abide by security terms and conditions associated with computer and case management systems of the NYPD, including those governing user passwords and logon procedures. NYPD personnel must maintain confidentiality of information accessed, created, received, disclosed or otherwise maintained during the course of duty and may only disclose information to others, including other members of the NYPD, only as required in the execution of lawful duty.

NYPD personnel are responsible for preventing third parties unauthorized access to information. Failure to adhere to confidentiality policies may subject NYPD personnel to disciplinary and/or criminal action. NYPD personnel must confirm the identity and affiliation of individuals requesting information from the NYPD and determine that the release of information is lawful prior to disclosure.

Unauthorized access of any system will subject employees to administrative and potentially criminal penalties.

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**CRIMINAL GROUP DATABASE:
IMPACT & USE POLICY****POLICIES & PROCEDURES RELATING TO RETENTION, ACCESS & USE OF THE DATA**

The Criminal Group Database may only be used for legitimate law enforcement purposes or other official business of the NYPD including, in furtherance of criminal investigations, civil litigations and disciplinary proceedings. Authorized users are authenticated by username and password.

The Retention and Disposition Schedule for New York Local Government Records (the Schedule) establishes the minimum length of time local government agencies must retain their records before the records may be legally disposed.³ Published annually by the New York State Archives, the Schedule ensures compliance with State and Federal record retention requirements. The NYC Department of Records and Information Services (DORIS) publishes a supplemental records retention and disposition schedule (the Supplemental Schedule) in conjunction with the Law Department specifically for NYC agencies in order to satisfy business, legal, audit and legal requirements.⁴

The retention period of a “case investigation record” depends on the classification of a case investigation record. The classification of case investigation records is based on the final disposition of the case, i.e., what the arrestee is convicted of or pleads to. Further, case investigations are not considered closed unless it results in prosecution and appeals are exhausted, it results in a settlement, it results in no arrest, or when restitution is no longer sought.

Case investigation records classified as a homicide, suicide, arson (first, second or third degree), missing person (until located), aggravated sexual assault (first degree), course of sexual conduct against a child (first degree), active warrant, or stolen or missing firearms (until recovered or destroyed), must be retained permanently. Case investigation records classified as a fourth degree arson or non-fatal (including vehicular accidents) must be retained for a minimum of ten (10) years after the case is closed. Case investigation records classified as any other felony must be retained for a minimum of twenty-five (25) years after the case is closed. Case investigation records classified as a misdemeanor must be retained for a minimum of five (5) years after the case is closed. Case investigation records classified as a violation or traffic infraction must be retained for a minimum of one (1) year after the case is closed. Case investigation records classified as an offense against a child as defined by the Child Victims Act, excluding aggravated sexual assault (first degree), course of sexual conduct against a child (first degree), must be retained until the child attains at least age fifty-five (55). Case investigation records connected to an investigation that reveals no offense has been committed by an adult must be kept for a minimum of five (5) years after the case is closed. Case investigation records connected to an investigation that reveals the individual involved was a juvenile and no arrest was made or no offense was committed must be kept for at least one (1) year after the juvenile attains age eighteen (18).

Personal information data files on criminals and suspects must be retained for at least five (5) years after the death of the criminal or suspect, or ninety (90) years after the criminal or suspect’s date of birth as long as there has been no arrest in the last five (5) years, whichever is shorter. Personal

³ See N.Y. Arts & Cult. Aff. Law § 57.19 - 25, and 8 NYCRR Part 185.

⁴ See NYC Charter 3003.

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information data files on associated persons, such as victims, relatives and witnesses must be retained as long as, or information as part of relevant case investigation record.

The misuse of any system will subject employees to administrative and potentially criminal penalties.

POLICIES & PROCEDURES RELATING TO PUBLIC ACCESS OR USE OF THE DATA

Members of the public may request information related to the NYPD Criminal Group Database pursuant to the New York State Freedom of Information Law. The NYPD will review and evaluate such requests in accordance with applicable provisions of law and NYPD policy.

EXTERNAL ENTITIES

If relevant to a criminal case, information is turned over to the prosecutor with jurisdiction over the matter. Prosecutors will provide the information to the defendant(s) in accordance with criminal discovery laws.

Other law enforcement agencies may request information contained in NYPD Criminal Group Database from the NYPD in accordance with applicable laws, regulations, and New York City and NYPD policies. The NYPD may provide information contained with the database to partnering law enforcement and city agencies pursuant to on-going criminal investigations, civil litigation and disciplinary proceedings. Information is not shared in furtherance of immigration enforcement. Affirmation that a subject is included in the NYPD's Criminal Group Database may be shared with other law enforcement agencies in the course of conducting joint gang/criminal group investigations.

Information from the Criminal Group Database is not shared with the New York City Housing Authority or employers conducting background checks. Further, consistent with local law and NYPD policy, the Department does not share information in the database with Immigration and Customs Enforcement to conduct immigration enforcement, initiate deportation proceedings, or affect visa applications or citizen applications.

Following the laws of the State and City of New York, as well as NYPD policy, information contained in the database may be provided to community leaders, civic organizations and the news media in order to further an investigation, create awareness of an unusual incident, or address a community-concern.

Pursuant to NYPD policy and local law, members of the NYPD may disclose identifying information externally only if:

1. Such disclosure has been authorized in writing by the individual to whom such information pertains to, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;
2. Such disclosure is required by law and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;

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3. Such disclosure furthers the purpose or mission of the NYPD and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau;
4. Such disclosure has been pre-approved as in the best interests of the City by the City Chief Privacy Officer;
5. Such disclosure has been designated as routine by the Agency Privacy Officer assigned to the Legal Bureau;
6. Such disclosure is in connection with an investigation of a crime that has been committed or credible information about an attempted or impending crime;
7. Such disclosure is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent.

Government agencies at the local, state, and federal level, including law enforcement agencies other than the NYPD, have limited access to NYPD computer and case management systems. Such access is granted by the NYPD on a case by case basis subject to the terms of written agreements between the NYPD and the agency receiving access to a specified system. The terms of the written agreements also charge these external entities with maintaining the security and confidentiality of information obtained from the NYPD, limiting disclosure of that information without NYPD approval, and notifying the NYPD when the external entity receives a request for that information pursuant to a subpoena, judicial order, or other legal process. Access will not be given to other agencies for purposes of furthering immigration enforcement.

The NYPD purchases Criminal Group Database associated equipment or Software as a Service (SaaS)/software from approved vendors. The NYPD emphasizes the importance of and engages with vendors and contractors to maintain the confidentiality, availability, and integrity of NYPD technology systems.

Vendors and contractors may have access to NYPD Criminal Group Database associated software or data in the performance of contractual duties to the NYPD. Such duties are typically technical or proprietary in nature (e.g., maintenance or failure mitigation). In providing vendors and contractors access to equipment and computer systems, the NYPD follows the principle of least privilege. Vendors and contractors are only allowed access on a “need to know basis” to fulfill contractual obligations and/or agreements.

Vendors and contractors providing equipment and services to the NYPD undergo vendor responsibility determination and integrity reviews. Vendors and contractors providing sensitive equipment and services to the NYPD also undergo background checks.

Vendors and contractors are legally obligated by contracts and/or agreements to maintain the confidentiality of NYPD data and information. Vendors and contractors are subject to criminal and civil penalties for unauthorized use or disclosure of NYPD data or information.

If information contained within the database is disclosed in a manner violating the local Identifying Information Law, the NYPD Agency Privacy Officer, upon becoming aware, must report the disclosure to the NYC Chief Privacy Officer as soon as practicable. The NYPD must make reasonable efforts to notify individuals effected by the disclosure in writing when there is potential risk of harm to the individual, when the NYPD determines in consultation with the NYC Chief

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Privacy Officer and the Law Department that notification should occur, or when legally required to do so by law or regulation. In accordance with the Identifying Information Law, the NYC Chief Privacy Officer submits a quarterly report containing an anonymized compilation or summary of such disclosures by City agencies, including those reported by the NYPD, to the Speaker of the Council and makes the report publically available online.

TRAINING

NYPD personnel using the NYPD Criminal Group Database receive command level training on the proper operation of the technology and associated equipment. NYPD personnel must operate the database in compliance with NYPD policies and training.

INTERNAL AUDIT & OVERSIGHT MECHANISMS

Only a limited number of NYPD personnel can recommend a subject be entered into the database; only a precinct field intelligence officer, an investigator assigned to a Detective Bureau Gang Squad, or an investigator assigned to the Social Media Analysis and Research Team may recommend a subject be entered into the database. This formal recommendation requires a written narrative and supporting documentation that justify database inclusion. Recommendations are reviewed by a supervisor in a Detective Bureau Gang Squad who will either approve or reject the recommendation, or request additional analysis by the Department's Gang Analysis Section.

Subjects included in the Criminal Group Database are reviewed every three (3) years, and on the subjects' twenty-third (23rd) and twenty-eighth (28th) birthdays to determine if their actions and records warrant continued inclusion. Additionally, the NYPD has a mechanism for self-initiated review at any time. Once a subject is removed from the database, the fact that they once were affiliated with a criminal group is permanently hidden from the database.

Supervisors of personnel who have access to the Criminal Group Database are responsible for security and proper utilization of the technology and associated equipment. Supervisors are directed to inspect all areas containing NYPD computer systems at least once each tour and ensure that all systems are being used within NYPD guidelines.

Immutable audit logs are created when any information is searched or accessed through the NYPD Criminal Group Database. The log-in and use of the system is traceable to a particular user and periodically audited for misuse by the precinct or unit's Commanding Officer. Allegations of misuse are internally investigated at the command level or by the Internal Affairs Bureau (IAB).

All members of the NYPD are advised that NYPD computer systems and equipment are intended for the purposes of conducting official business. The misuse of any system will subject employees to administrative and potentially criminal penalties. Allegations of misuse are internally investigated at the command level or by IAB.

Integrity Control Officers (ICOs) within each Command are responsible for maintaining the security and integrity of all recorded media in the possession of the NYPD. ICOs must ensure all authorized users of NYPD computer systems in their command understand and comply with computer security guidelines, frequently observe all areas with computer equipment, and ensure

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There are no known health and safety issues associated with the NYPD Criminal Group Database or the associated equipment.

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Critics have asserted that inclusion in the Criminal Group Database disparately impacts people of color and has significant collateral consequences. Entry into the Criminal Group Database is not proof of criminal behavior, it is only an investigative lead. Entry alone is not grounds for a stop, arrest, or any other enforcement action. Moreover, New York State does not permit civil gang injunctions such as those routinely utilized in other jurisdictions. Unlike many states, New York does not have a sentencing enhancement for gang/criminal group members, nor a statute that criminalizes gang/criminal group membership. A subject's presence in the NYPD Criminal Group Database simply does not have the collateral consequences comparable to other jurisdictions.

The NYPD is committed to the impartial enforcement of the law and to the protection of constitutional rights. The NYPD prohibits the use of racial and bias-based profiling in law enforcement actions, which must be based on standards required by the Fourth and Fourteenth Amendments of the U.S. Constitution, Sections 11 and 12 of Article I of the New York State Constitution, Section 14-151 of the New York City Administrative Code, and other applicable laws.

Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action. Should an officer initiate enforcement action against a person, motivated even in part by a person's actual or perceived race, color, ethnicity, or national origin, that enforcement action violates NYPD policy unless the officer's decision is based on a specific and reliable suspect description that includes not only race, age, and gender, but other identifying characteristics or information.