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IDENTITY AND INTEREST OF *AMICI CURIAE*

Amici curiae are a group of municipalities across the United States (collectively, the “Amici Cities”). The Amici Cities include: Columbus, Ohio; Dayton, Ohio; Durham, North Carolina; Hartford, Connecticut; Los Angeles, California; New York, New York; Paterson, New Jersey; Pittsburgh, Pennsylvania; Providence, Rhode Island; Rochester, New York; and Seattle, Washington. Each of the Amici Cities is deeply concerned with the growing spread of unregulated “ghost guns.” These weapons threaten public safety in our cities, including because they appeal to and are readily obtainable by criminals, precisely because they are not regulated under federal law. The Amici Cities respectfully submit this brief to illustrate, through specific incidents and numerical trends, the increasing prevalence of ghost guns in the Amici Cities, the unique challenges they present to efforts to prevent gun crime and protect public safety in the Amici Cities, and the urgent need to regulate them under federal law.¹

INTRODUCTION

In this case, Plaintiffs challenge the decision of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) to exempt certain unfinished frames and receivers, which can be quickly and easily transformed into fully operative guns, from regulation as “firearms” under the Gun Control Act of 1968 (the “GCA”), 18 U.S.C. §§ 921-928; 26 U.S.C. §§ 5081-5872. The consequence of this exemption is that such unfinished frames and receivers are not covered by federal gun control laws, including laws requiring serial numbers on firearm frames and background checks of prospective firearms purchasers. (*See generally* Pls.’ Mem. in Supp. of Mot. for Summ. J. (“Pls.’ S.J. Br.”) (Dkt. No. 62).) We refer herein to the firearms constructed

¹ A letter motion has been filed concurrently herewith for leave to file this amicus brief. As stated in the letter motion, Plaintiffs consent to the filing of this brief, and Defendants have stated that they take no position.

from such unfinished frames and receivers that ATF has exempted from regulation, as well as the frames and receivers themselves, by their common colloquial name, “ghost guns.” (*See id.* at 2.)

Ghost guns are becoming increasingly prevalent in the Amici Cities and pose a significant threat to the Amici Cities and their residents. Data and declarations from Amici Cities provided in connection with this brief show increased recoveries of unserialized weapons (which either are or are likely to be ghost guns) over the last several years. For example, the Los Angeles Police Department (“LAPD”) has seized *hundreds* of clandestinely manufactured firearms having no serial numbers in 2020 alone, and a New York Police Department (“NYPD”) Detective with extensive experience with dangerous weapons has personally observed an increasing number of seizures of such weapons in the past five years. Similarly, police in Seattle have recovered significantly more unserialized weapons in 2020 than in prior years.

To make matters worse, ghost guns have repeatedly been found in the Amici Cities and elsewhere in the hands of persons previously convicted of felonies, to whom regulated firearms cannot be sold under federal law, who have used such weapons to commit new crimes. It is not surprising that ghost guns have been acquired by persons previously convicted of felonies, because, unlike federally regulated firearms, ghost guns can be acquired without the federally required background checks designed to prevent sale to convicted felons and other persons prohibited from firearm ownership under federal law.² This fact is not lost on one of the most prominent retailers of ghost gun kits (Polymer80), whose website specifically states that *it is legal for convicted felons to purchase them*.³ Ghost guns also invariably do not contain serial

² See, e.g., Brian Mann, *Do-It-Yourself ‘Ghost Guns’ Bypass Background Checks and Firearm Registration*, NPR; All Things Considered (Nov. 21, 2017, 3:54 p.m.), <https://www.npr.org/2017/11/21/565686173/do-it-yourself-ghost-guns-bypass-background-checks-firearm-registration> (sale of ghost gun kits is “a legal system that bypasses background checks and firearm registration”).

³ See *Are Felons Restricted from Owning a Firearm that Was Built from an 80% Receiver*, Polymer80

numbers, as federally regulated firearms must, which makes them particularly attractive to anyone who wants to surreptitiously possess or use a finished firearm, because the absence of serial numbers helps shield recovered firearms and their possessors from identification by law enforcement.

The ready acquisition of ghost guns by persons convicted of felonies has led to terrible incidents of gun crime in the Amici Cities and elsewhere – incidents that might not have occurred were ghost guns subject to federal regulation and potentially denied through the background checking process. For example, several months ago in Los Angeles, a person previously convicted of a felony used a ghost gun to ambush and severely wound two sheriff’s deputies who were sitting in their patrol car. About a year earlier, a different individual with a prior felony conviction used a “ghost” assault rifle with a high-capacity magazine to murder a California highway patrol officer and wound two others outside Los Angeles. Additionally, persons previously convicted of felonies have on multiple other occasions been found in possession of ghost guns in and around the Amici Cities, including in one recent powder keg instance in greater Seattle, where a man on federal supervision from an earlier firearms conviction was found to have amassed a veritable arsenal of ghost guns and 300 pounds of ammunition.

Additionally, dangerous extremists have gone on shooting rampages or planned mass shootings with especially deadly assault versions of ghost weapons that are illegal under state law. For example, two men in Queens, one of whom had advocated for “racial civil or holy war”

(hereinafter “Polymer80 FAQ”), <https://polymer80.happyfox.com/kb/article/24-are-felons-restricted-from-owning-a-firearm-that-was-built-from-an-80-receiver/> (last visited Dec. 14, 2020).

and made other comments suggesting an intended mass shooting, were recently arrested in possession of a high capacity “ghost” weapon.

Based on the data and incidents like these, there can be no doubt that ATF’s failure to regulate ghost guns has produced preventable gun crime, and threatens to produce more preventable gun crime, in the Amici Cities and across the country.

Moreover, ghost guns, because they lack serial numbers, frustrate the ability of law enforcement officials in the Amici Cities to effectively investigate and prosecute gun crimes.

Finally, the Amici Cities (and the states in which they sit), with their limited jurisdiction, cannot effectively regulate ghost guns on their own, since such efforts can easily be circumvented when they have not been adopted by neighboring jurisdictions.

In short, the recent emergence and increased prevalence of ghost guns has created a genuine threat to the residents of our cities – a threat that can be expected only to grow worse in the years to come if ghost guns remain unregulated by ATF. The Amici Cities therefore respectfully request that the Court grant the Plaintiffs’ Motion for Summary Judgment and require ATF to regulate ghost guns as mandated by federal law, to help stem the tide of criminal activity connected to ghost guns in the Amici Cities and across the country.

ARGUMENT

I. LAW ENFORCEMENT IN MULTIPLE AMICI CITIES AND ELSEWHERE HAVE RECORDED A SIGNIFICANT RISE IN RECOVERIES OF GHOST GUNS, SOME OF WHICH WERE USED IN VIOLENT CRIMES.

The Plaintiffs in this action include several large cities that have seen a dramatic rise in ghost gun recoveries in recent years. (Pls.’ S.J. Br. at 38-39 (explaining, *inter alia*, that ghost gun recoveries respectively tripled and quadrupled in Chicago and Washington D.C. from 2018 to 2019).) The recent rise of ghost gun recoveries in those cities is part of a broader trend. Police departments in a number of the Amici Cities have been tracking guns seized in their cities

that are unserialized and are thus potential ghost guns, which seizures occur in connection with arrests, search warrants, investigations, or other related law enforcement activity.⁴ Data and declarations from Amici Cities that have been obtained for use in this brief show an overall rise in such recoveries in the past few years.⁵ And according to such data and declarations, recovered unserialized weapons have been used in violent crimes, including shootings and assaults. What is more, because ghost guns by their nature are nearly impossible to trace, and are favored by those seeking to evade police, we expect that the figures below significantly understate the true prevalence of ghost guns in the Amici Cities.

Los Angeles, California. The LAPD has seized *hundreds* of clandestinely manufactured firearms having no serial numbers (which the LAPD considers ghost guns) in 2020. (Decl. of Benjamin Meda in Supp. of Amicus Br. of Municipalities (“Meda Decl.”) ¶ 6 (attached as Ex. 1).) A detective with over 30 years of experience, 17 years of which are with the LAPD Gun Unit, has “observed an increasing number of ghost gun seizures in the past five years,” further noting that the weapons seized often were “AR-15 style assault weapons” and “semiautomatic handguns.” (*Id.*) As reflected in data in a spreadsheet the LAPD has provided with its declaration, LAPD has recovered *over 600* firearms with Polymer80 components in 2020. (Ex.

⁴ As ghost guns are a relatively new issue for the Amici Cities, not all maintain data on them. Further, data from those Amici Cities that do maintain data may not always perfectly correspond to the universe of unfinished frames and receivers at issue in this lawsuit – for example, by tracking “firearms that lack commercial serial numbers or other identifying marks,” which raises at least the possibility that this category includes commercially manufactured firearms with obliterated serial numbers. Still, the data from the three Amici Cities that provided data in connection with this brief – Los Angeles, Rochester, and Seattle – specifically note if the recovered weapon contained unfinished frames or receivers sold by online retailer Polymer80, which are the precise type of “80%” weapons mentioned in a 2015 ATF ruling as exempt from regulation under the GCA, as challenged by the Plaintiffs here. And many of them did contain such Polymer80 parts. Additionally, certain of the Amici Cities specifically track *homemade* unserialized firearms, which seems (at least very likely) to exclude *commercially manufactured* firearms with serial numbers removed. The specifics of the data tracked by the Amici Cities and provided in connection with this brief is explained in the attached exhibits.

⁵ All data provided in connection with the brief that are not publicly available have been set forth in declarations attached hereto.

A to Meda Decl.) These data accord with *ATF's own* recent estimate that 41% of their cases in Los Angeles involve ghost guns.⁶

Seattle, Washington. Between October 2017 and October 2020, Seattle police recovered 17 “homemade” firearms, meaning firearms that “lack commercial serial numbers or other identifying marks.” (Decl. of Seattle Police Detective Kevin M. Jones (“Jones Decl.”) ¶¶ 4, 6 (attached as Ex. 2); Ex. A to Jones Decl.) As of October 5, 2020, Seattle police had recovered only two or three such weapons in connection with incidents reported in each year from 2017 through 2019, but had recovered ten such weapons in connection with incidents reported in 2020. (*Id.*) Ten of the 17 total collected homemade weapons contained components sold by Polymer80. (*See id.*) All of the homemade weapons collected by Seattle police were either rifles, semi-automatic rifles, or semi-automatic pistols, and six were used in the commission of drive-by shootings, armed robberies, or felony harassment. (Ex. A to Jones Decl.)

Rochester, New York. The Monroe County Crime Lab, which serves Rochester, began tracking recoveries of homemade firearms lacking serial numbers in 2018. (Decl. of Patrick Beath in Supp. of Amicus Br. of Municipalities (“Beath Decl.”) ¶¶ 4-5 (attached as Ex. 3).) Between 2018 and 2020, the Rochester Police Department turned over 22 such weapons to the crime lab, 13 of which were built from Polymer80 parts. (Ex. A to Beath Decl.) The crime lab is also often provided with firearms seized by other authorities, including the Drug Enforcement Administration (“DEA”) and state police. (Beath Decl. ¶ 3.) From 2018 to 2020, the crime lab processed a total of 28 homemade guns lacking serial numbers, 19 of which had been made with components sold by Polymer80. (Ex. A to Beath Decl.) One of these, which had been seized

⁶ Brandi Hitt, ‘Ghost Guns’ Investigation: Law Enforcement Seeing Unserialized Firearms on Daily Basis in SoCal, Eyewitness News, abc7 (L.A., Cal.) (Jan. 30, 2020), <https://abc7.com/5893043/>. State and federal authorities similarly reported encountering ghost guns “every day on the streets of Southern California.” *Id.*

and provided to the crime lab by the DEA, was a Polymer80 ghost gun that had been custom configured to allow fully automatic fire. (*Id.*)

New York, New York. According to recent public testimony of an assistant chief of the New York Police Department, in 2017 the NYPD seized 32 weapons that were either “ghost guns” or “3D[-printed] guns,”⁷ 14 such weapons in 2018, and 21 such weapons in the six months between January and June 2019. (Tr. at 75:9-11, Comm. on Public Safety, City Council of N.Y. (June 27, 2019) (attached as Ex. 4).) An NYPD executive director warned that, based on ghost gun trends on the west coast, it was expected that ghost guns would become more common in New York City as well. (*Id.* at 72:12-73:19 (“What we’re seeing happening on the west coast . . . [is] going to wind up moving its way here.”).)

Other data and reports. Data and reports from several cities other than the Amici Cities indicate that ghost gun seizures are also dramatically increasing in those cities. Philadelphia, Pennsylvania began tracking ghost gun collections in the fall of 2018 and recovered 13 ghost guns the remainder of that year.⁸ In 2019, however, the number of recovered ghost guns in Philadelphia shot up to 95.⁹ Additionally, a Baltimore, Maryland police spokesman reported “a major uptick in ghost gun seizures over the last year.”¹⁰ And in Boston, there are police records

⁷ It is unclear from this testimony how many of the seized weapons were “ghost guns” (as opposed to 3D-printed guns) and precisely what type of weapons were included within this category.

⁸ Mensah M. Dean, *Ghost Guns Proliferate as Philadelphia Grapples with Gun Violence*, Phila. Inquirer, <https://www.inquirer.com/news/ghost-guns-philadelphia-violence-tom-wolf-josh-shapiro-sekou-kinebrew-mark-oliva-20200312.html> (last updated Mar. 13, 2020). It is unclear from the article specifically what types of weapons are counted by Philadelphia as “ghost guns.”

⁹ *Id.*

¹⁰ Peter Hermann & Tom Jackman, *District seeks to Ban ‘Ghost Gun’ Kits as Seizures of Homemade Weapons Soar*, Wash. Post (Feb. 27, 2020, 3:38 p.m.), https://web.archive.org/web/20200818145956if_/https://www.washingtonpost.com/local/public-safety/district-seeks-to-ban-ghost-gun-kits-as-seizures-of-homemade-weapons-soar/2020/02/27/d12be0da-5416-11ea-9e47-59804be1dcfb_story.html.

showing the number of recovered “unserialized firearms” from 2019 onward. (*See* Oct. 2, 2020 letter from L. Cullinane to J. Maconochie at 1 (attached as Ex.5).)¹¹ In 2019, Boston police recovered 15 such weapons, and between January 2020 and October 2020, they seized at least 15 more. (*Id.* at 3-4.) The vast majority of these weapons (24 of the 30 recovered) contained unfinished frames sold by ghost gun retailer Polymer80. (*Id.*) According to the records, all of these weapons were semi-automatic pistols, and three had been used in assaults or shootings. (*See id.*)

Thus, there is an unmistakable trend toward increasing recoveries of ghost guns by law enforcement in the Amici Cities that have tracked such recoveries, as well as in other cities. Unless this court requires ATF to regulate ghost guns, it is likely that the prevalence of these dangerous and federally unregulated weapons, and their use in violent crime, will continue to rise in the years ahead.

II. THE AVAILABILITY OF FEDERALLY UNREGULATED GHOST GUNS HAS LED TO GUN CRIMES IN THE AMICI CITIES AND ELSEWHERE THAT MIGHT NOT OTHERWISE HAVE OCCURRED AND CREATES A GRAVE RISK OF MORE SUCH PREVENTABLE CRIME.

The Amici Cities have a strong interest in protecting their residents from gun-related crimes. ATF’s failure to regulate ghost guns as firearms under the GCA has significantly undermined this interest and harmed the Amici Cities by creating a pathway for dangerous individuals to obtain ghost guns without having to go through a federal background check and commit gun crimes they might not otherwise have been able to commit.

Recognizing the commonsense principle that selling firearms to certain individuals may

¹¹ Data from the Boston Police Department were obtained pursuant to a request for information. The Boston Police Department's records define ghost guns as “unserialized firearms.” (Ex. 5 at 1.) For clarity, the attached records indicate that certain of the “unserialized” firearms *did* include serial numbers on their *slides or barrels* – but not on their *frames or receivers*, as required by federal law. *See* 18 U.S.C. § 923(i) (mandating “serial number engraved or cast on the receiver or frame of the weapon”).

be too risky, federal law defines classes of persons – such as persons convicted of felonies, persons under certain restraining orders, people adjudicated to be mentally incompetent, and others – who are prohibited from receiving or possessing firearms. *See* 18 U.S.C. § 922(g); *accord District of Columbia v. Heller*, 554 U.S. 570, 626 (2008) (noting “longstanding prohibitions on the possession of firearms by felons and the mentally ill”). However, because ATF has exempted ghost guns from regulation under federal law, including the background check regime that operates to preclude sales to such persons, these individuals (including dangerous criminals) can easily acquire ghost guns.¹²

Indeed, ghost guns are particularly attractive to criminals. Courts have recognized that “[f]irearms without serial numbers” (a hallmark of ghost guns) “are of particular value to those engaged in illicit activity because the absence of serial numbers helps shield recovered firearms and their possessors from identification.” *United States v. Marzzarella*, 614 F.3d 85, 98 (3d Cir. 2010). In one recent criminal case, the Tenth Circuit observed that the defendant, an illegal arms trafficker in Colorado, had boasted to undercover agents that the “best part” of the AR-15-style ghost guns he sold them “was their lack of serial numbers.” *United States v. Trujillo*, 817 F. App’x 634, 636 (10th Cir. 2020). In fact, as noted above, prominent ghost gun retailer Polymer80 states on its website (in the *very first* entry on its “Frequently Asked Questions” page) that “[c]onvicted felons are not restricted from purchasing” the ghost gun kits it sells.¹³

¹² While the Amici Cities recognize that all persons prohibited from owning a firearm are not inherently violent or dangerous, preventing the prohibited persons that *are* prone to commit violent crime from obtaining guns is extremely important for maintaining the safety of the Amici Cities’ residents, and the background check system is a critical method for deterring and often preventing gun acquisitions by such individuals.

¹³ Polymer80 FAQ, *supra* n.3 (emphasis added). Polymer80 goes on to note that “felons completing Polymer80 frames into firearms is illegal,” *id.*, as if anyone purchasing a Polymer80 kit would leave it unassembled for this reason. To the contrary, the Polymer80 website includes detailed ghost gun assembly instructions accessible to anyone who accesses the website, including prohibited persons. *How-To Manuals*, Polymer80, <https://www.polymer80.com/how-to-manuals>.

This statement is, of course, accurate in light of ATF's failure to regulate ghost guns.

Unfortunately, the concern that unregulated ghost guns will be acquired and used by persons previously convicted of felonies to commit additional crimes in the Amici Cities and elsewhere is not theoretical. For example, on September 15, 2020, authorities arrested a man with a prior felony conviction who had used a ghost gun to ambush and severely wound two Los Angeles County Sheriff's deputies as they sat in their patrol car in Compton.¹⁴ The previous year, a different man with a prior felony conviction, which "should have prohibited him from possessing or purchasing any firearm under California law," was able to "construct an illegal homemade assault rifle with a high capacity magazine by using unregulated parts."¹⁵ He then used the weapon to murder a California highway patrol officer and wound two others following a traffic stop outside Los Angeles.¹⁶ In Baltimore, a different man with a prior felony conviction was recently sentenced for "commit[ting] five bank robberies and five armed robberies at liquor stores" with a ghost gun in 2018.¹⁷ The U.S. Attorney announcing the sentencing explained that, "[a]s a convicted felon, [the man] should not have been able to purchase a gun, but he was able

¹⁴ *Convicted Felon Deonte Murray Charged in Compton Ambush Shooting of 2 LA Deputies*, CBS Los Angeles (Sept. 30, 2020, 5:07 PM), <https://losangeles.cbslocal.com/2020/09/30/deonte-lee-murray-arrested-ambush-shooting-of-la-deputy-in-compton/> (attributing to Sheriff's Capt. Kent Wegener that the gun used in the shooting of the deputies and recovered by investigators was a ghost gun); *Man Charged with Ambush Shooting of 2 Sheriff's Deputies*, Los Angeles County District Attorney's Office News Release (Sept. 30, 2020), <http://da.lacounty.gov/media/news/man-charged-ambush-shooting-2-sheriffs-deputies> (indicating that the defendant was charged with attempted murder and possession of a firearm by a felon).

¹⁵ Andrew Blankstein and Eric Leonard, *Ex-con who killed California cop used homemade 'ghost gun'*, NBC News (Aug. 15, 2019), <https://www.nbcnews.com/news/crime-courts/ex-con-who-killed-california-cop-used-homemade-ghost-gun-n1042811> (reporting that multiple law enforcement officials characterized the weapon as "a homemade 'ghost gun' designed to skirt the state's strict ban on [assault] weapons").

¹⁶ *Id.* The shooting occurred in Riverside, California, about an hour east of Los Angeles.

¹⁷ Press Release, U.S. Attorney's Office, D. Md., *Baltimore Man Sentenced to 21 Years in Federal Prison for Five Bank Robberies, Five Armed Robberies of Liquor Stores, and Related Firearms Charges*, U.S. Dep't of Justice (Nov. 12, 2020), <https://www.justice.gov/usao-md/pr/baltimore-man-sentenced-21-years-federal-prison-five-bank-robberies-five-armed-robberies>.

to obtain a gun that had been assembled from firearm parts kits” and thus “circumvent the laws designed to prevent felons from possessing firearms.”¹⁸

These violent crimes, committed by individuals with previous felony convictions who could not have lawfully purchased regulated firearms from licensed manufacturers but *could* acquire ghost guns, *may not have occurred at all* had ATF properly regulated ghost guns. Had ghost guns been regulated, the perpetrators would have been subjected to background checks regardless of whether they attempted to purchase an unfinished ghost gun or a regulated firearm, and thus might not have been able to obtain *any* firearm to use in a crime. For this reason, ATF’s failure to regulate ghost guns can fairly be said to have led to preventable crime in the Amici Cities and elsewhere, and the above-described incidents may just be the tip of the iceberg.

On a number of other recent occasions, law enforcement have found persons with prior felony convictions in possession of ghost guns – including *arsenals* of such weapons – in and around the Amici Cities. For example, a recent arrest and a separate raid in greater Los Angeles resulted in authorities finding several persons convicted of felonies in possession of ghost guns.¹⁹ In greater Seattle, a person on federal supervision from an earlier firearms conviction, who later admitted to having become susceptible to internet doomsday predictions, had “amassed an arsenal of homemade ‘ghost guns’” and 300 pounds of ammunition.²⁰ These are, in a sense, the

¹⁸ *Id.*

¹⁹ See Brian Day, *Traffic Stop Leads to Recovery of ‘Ghost Gun,’ Meth, Suspected Stolen Credit Cards, \$180,000 in Cash; 2 Arrested*, Pasadena Now (Oct. 2, 2020, 8:57 AM), <https://www.pasadenanow.com/main/traffic-stop-leads-to-recovery-of-ghost-gun-meth-suspected-stolen-credit-cards-180000-in-cash-2-arrested/> (police said weapon seized from a vehicle driven by a man on probation following an auto theft conviction was a “ghost gun”); Jeremiah Dobruck, *Police Seize 13 Guns in Raid on Suspected Firearms Dealer, Long Beach Police Say*, Long Beach Post (Nov. 18, 2020), <https://lbpost.com/news/crime/swat-wesley-drive-lbcc-search-ghost-guns> (Long Beach Police Department spokesman described three of 13 weapons seized during a raid as “ghost guns” and identified four persons arrested during the raid, two of whom were booked as felons in possession of a firearm).

²⁰ Gene Johnson, *Edmonds Man Who Made ‘ghost guns’ to Serve Almost 6 Years*, HeraldNet (Everett, Wash.) (Oct. 9, 2020, 8:46 PM), <https://www.heraldnet.com/news/edmonds-man-who-made-ghost-guns-to-serve-5-years-in->

fortunate occasions where law enforcement found and removed ghost guns before they were violently used, but the point remains that these individuals might not have been unable to acquire and possess firearms in the first place had ATF regulated ghost guns. The Amici Cities are concerned that more and more people in their midst that are prohibited from acquiring federally regulated firearms have amassed and will continue to amass ghost guns due to the ATF's failure to regulate these weapons, threatening our cities.

To make matters worse, ATF's failure to regulate ghost guns allows dangerous people to acquire and use especially deadly forms of weapons – “ghost versions” of military-grade weapons such as AR-15 assault rifles – even when those weapons are banned under local law.²¹ In this way, ATF's failure to regulate ghost guns has enabled especially dangerous people to acquire especially dangerous weapons they might not otherwise have been able to obtain, leading to the occurrence or prospect of especially violent crimes, such as killing sprees and mass shootings, in the Amici Cities and elsewhere.

For example, Los Angeles police have repeatedly recovered ghost assault weapons in recent months when executing search warrants and responding to shootings and other incidents. (Meda Decl. ¶¶ 9-11, 13-14.)²² In one instance, in June 2020, officers executing a search warrant for machine gun trafficking “recovered 16 ghost guns, including multiple AR-15 type assault rifles, semiautomatic pistols, and a semi-automatic shotgun,” as well as “[t]emplates and

prison/.

²¹ Assault weapons are banned in California, Connecticut, Maryland, New Jersey, and New York (and, as such, are banned in Amici Cities Hartford, Los Angeles, New York, Paterson, and Rochester). *See* Cal. Penal Code §§ 30500-30685; Conn. Gen. Stat. §§ 53-202a to 53-202c; Md. Code, Crim. Law §§ 4-301 to 4-306; N.J. Stat. Ann. §§ 2C:39-1 to 2C:39-20, N.Y. Penal Law §§ 265.00-265.55.

²² As in the discussion of Los Angeles ghost gun data in Section I, above, “ghost gun” is defined here as “a clandestinely manufactured firearm having no serial number.” (Meda Decl. ¶ 4.)

tools use[d] to manufacture these types of firearms.” (*Id.* ¶ 10.) And in July, LAPD officers responding to a “shots-fired call” discovered a “ghost” “semiautomatic, .223 caliber AR-15 type assault rifle,” which had been fired in the direction of an unknown victim. (*Id.* ¶ 11.) Several months earlier in May, officers executing a warrant on a suspected drug lab recovered the exact same type of ghost assault weapon. (*Id.* ¶ 13.) And in September 2020, officers executing a warrant on a domestic violence suspect with a prior felony conviction likewise recovered “a semiautomatic, .223 caliber, AR-15 type assault rifle,” as well as “two semiautomatic handguns.” (*Id.* ¶ 14.)

Similarly, in May 2020, authorities conducting a sting operation arrested two men from Queens who had begun to assemble an arsenal of weapons, including “an AR-15 style assault rifle ‘ghost’ gun with a silencer attachment and high capacity magazine,”²³ which is illegal under New York law. *See* N.Y. Penal Law §§ 265.02, 265.10. One of the men’s social media posts strongly indicated that these weapons were intended for use in a mass shooting: he had advocated for a “racial civil or holy war”; posted that he “hate[s] women jews and n-----rs” while giving a Nazi salute; posted a suspicious picture of the entrance to a Jewish community center in Queens; and “posted Instagram messages displaying suicidal ideations and fantasizes about ‘martyring’ himself and ‘going out in a blaze of glory’ in a mass shooting.”²⁴

And on two separate recent occasions, individuals in the greater Boston area were arrested in possession of semi-automatic ghost guns and other paraphernalia in circumstances also suggesting the potential for violence on a mass scale. Police recovered from one man “two

²³ Press Release, U.S. Attorney’s Office, E.D.N.Y., *Two Queens Men Charged After Buying Three Illegally Defaced Firearms and Two Assault Rifles*, U.S. Dep’t Justice (May 13, 2020), <https://www.justice.gov/usao-edny/pr/two-queens-men-charged-after-buying-three-illegally-defaced-firearms-and-two-assault>.

²⁴ *Id.*

un-serialized AR-15 style semi-automatic rifles considered ‘ghost guns,’” as well as 26 large-capacity firearm feeding devices, hundreds of rounds of ammunition, and a ballistic vest carrier.²⁵ In the other case, police arrested a man with “a ‘long standing history of arrest involving violent gun use,’”²⁶ a copy of Hitler’s *Mein Kampf*,²⁷ and “two semi-automatic ‘ghost guns,’ nearly 3,000 rounds of ammunition, eight large-capacity firearm feeding devices, a cache of gun parts and accessories, an instructional DVD on how to build an untraceable AR-15 assault rifle at home, and a 3D mold for building ‘ghost guns.’”²⁸

Finally, illustrating that ghost versions of assault weapons have in fact been used to commit violent crimes in the Amici Cities and elsewhere, gang members admitted in August 2020 to having used a “ghost” semi-automatic short-barreled assault rifle to exchange fire with rival gang members. (Meda Decl. ¶ 9.) In addition, in Spring 2020, a man went on a series of shooting rampages in Northern California with a self-built AR-15-style “ghost weapon,” killing a Federal Protective Service officer and a police officer.²⁹ According to ATF, the weapon was a “machine gun with a silencer attached to its barrel,”³⁰ which is illegal in California. *See Cal.*

²⁵ Press Release, Office of Massachusetts Attorney General, *Two Individuals Arraigned on Charges of Possessing Illegal, Untraceable ‘Ghost Guns’* (Aug. 6, 2020) (hereinafter “Massachusetts AG Press Release”), <https://www.mass.gov/news/two-individuals-arraigned-on-charges-of-possessing-illegal-untraceable-ghost-guns>.

²⁶ Christopher Gavin, *Winthrop man had homemade ‘ghost’ guns and 3,000 rounds of ammunition, prosecutors say*, Boston.com (Aug. 5, 2020), <https://www.boston.com/news/crime/2020/08/05/winthrop-man-had-homemade-ghost-guns-prosecutors-say> (quoting a Massachusetts Assistant Attorney General).

²⁷ *Id.*

²⁸ Massachusetts AG Press Release, *supra* n.25.

²⁹ *Alleged Oakland, Ben Lomond Gunman Steve Carrillo Linked to Far Right ‘Boogaloo’ Movement*, CBS SF BayArea (June 16, 2020, 4:16 PM), <https://sanfrancisco.cbslocal.com/2020/06/16/steven-carrillo-david-underwood-murder-santa-cruz-deputy-fatal-shooting-fatal-oakland-federal-building-shooting/>; *see also* Cheri Mossburg & Theresa Waldrop, *A Man Allegedly Linked to the Boogaloo Movement Accused of Going to a BLM Protest with a Homemade Machine Gun to Kill Cops*, CNN (June 16, 2020, 4:16 PM), <https://www.cnn.com/2020/06/16/us/steven-carrillo-california-officers-deaths-suspect-boogaloos/> (citing the complaint filed against the shooter stating that he used a “ghost gun”).

³⁰ Tommy Beer, *Accused Killer of California Cops Was Associated with Right-Wing ‘Boogaloo Movement,’*

Penal Code §§ 33410, 32625. The man was a member of the “Boogaloo Movement” – “a right-wing extremist group that harbors a mistrust of law enforcement and government, and anticipates a second American Civil War.”³¹ And this was not the only time that armed members of the Boogaloo Movement have turned to ghost guns as part of a violent plot. In October 2020, the FBI broke up an alleged plot to kidnap Governor Gretchen Whitmer by men with Boogaloo ties,³² recovering a number of ghost guns and homemade bombs.³³

In sum, ATF’s failure to regulate has already enabled dangerous persons to acquire ghost guns – including ghost assault weapons – and commit (or plan to commit) violent crimes with them in the Amici Cities and elsewhere. Such crimes might have been prevented had ghost guns been subject to federal regulation. As ghost guns continue to proliferate across the country, this trend will likely continue if ATF continues to leave ghost guns unregulated.

III. ATF’S FAILURE TO REGULATE GHOST GUNS FRUSTRATES THE ABILITY OF THE AMICI CITIES TO INVESTIGATE AND PROSECUTE GUN CRIMES.

ATF’s failure to regulate ghost guns has not only led to gun crimes that might have been prevented, but also has frustrated the ability of law enforcement officials in the Amici Cities to effectively investigate and prosecute gun crimes once they occur. This is because, as a consequence of ATF’s failure to regulate, ghost guns invariably do not contain serial numbers,

Forbes (June 16, 2020), <https://www.forbes.com/sites/tommybeer/2020/06/16/accused-killer-of-california-cops-was-associated-with-right-wing-boogaloo-movement/?sh=48d397e759bd>.

³¹ *Alleged Oakland, Ben Lomond Gunman*, *supra* n.29.

³² Ben Collins *et al.*, *Whitmer Conspiracy Allegations Tied to ‘Boogaloo’ Movement*, NBC News, (Oct. 8, 2020, 8:11 PM EDT), <https://www.nbcnews.com/tech/tech-news/whitmer-conspiracy-allegations-tied-boogaloo-movement-n1242670>.

³³ Gus Burns, *‘Ghost Guns,’ Bomb Materials Found During Investigation into Men Accused of Gov. Whitmer Kidnapping Plot*, mLIVE (Oct. 28, 2020), <https://www.mlive.com/public-interest/2020/10/ghost-guns-bomb-materials-found-during-investigation-into-men-accused-of-gov-whitmer-kidnapping-plot.html> (at a defendant’s detention hearing, Assistant U.S. Attorney mentioned “the discovery of ghost guns,” and an FBI agent testified that two such guns were recently seized that “were manufactured using parts purchased online or from a ‘gray market’ dealer”).

which are a critical investigative and prosecution tool and must appear on federally regulated firearms.

Serial numbers provide crucial information for law enforcement, as they are the “principal means of tracing origin and transfers in ownership” of firearms. *United States v. Adams*, 305 F.3d 30, 34 (1st Cir. 2002); *see also United States v. Harris*, 720 F.3d 499, 502-03 (4th Cir. 2013) (noting that ATF has stated that serial numbers serve “important governmental interests” including tracing firearms, identifying lost or stolen firearms, and prosecuting firearm offenses). Serial number tracing can establish “a chain of custody” that will “greatly assist[] in the difficult process of solving crimes.” *United States v. Mobley*, 956 F.2d 450, 454 (3d Cir. 1992). In addition, “serial number tracing also provides agencies with vital criminology statistics,” which help authorities strategize and efficiently allocate resources. *Marzzarella*, 614 F.3d at 100. Serial numbers also “allow[] for the identification of individual dealers involved in the trafficking of firearms and the matching of ballistics data with recovered firearms.” *Id.*

Law enforcement officials in the Amici Cities and in law enforcement agencies around the world make hundreds of thousands of requests each year to ATF’s National Tracing Center (“NTC”) to trace guns based on their serial numbers, using the NTC’s database.³⁴ Specifically, the NTC is able to use a “gun’s serial number to identify its original manufacture or importer” and then “track the firearm through the . . . distribution chain to its first retail purchaser.”³⁵ This enables investigators to “identify possible suspects or [gun] traffickers and link them to specific

³⁴ ATF, *Fact Sheet - National Tracing Center* (June 2020) (“ATF NTC Fact Sheet”), <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-tracing-center> (reporting 450,000 trace requests processed in 2019, in partnership with 7,800 law enforcement agencies across 46 countries).

³⁵ *Id.*

firearms found in criminal investigations.”³⁶ Investigators “can also help detect domestic and international trafficking patterns, and identify local trends in the sources and types of crime guns” through the use of serial numbers.³⁷ Ultimately, firearm tracking enables ATF and police to: (1) recover lost or stolen firearms before they are used in crimes; (2) identify and flag potentially dangerous individuals who purchase multiple firearms in quick succession; and (3) “develop links that help lead to the prosecution of violent crime gun offenders.”³⁸ However, *none of this is possible for ghost guns*, due to their lack of serial numbers, as ATF readily admits.³⁹

In sum, being able to trace guns by serial number is an important tool used by the Amici Cities to investigate and prosecute gun crime, but it is unavailable with respect to ghost guns due to ATF’s failure to regulate them and thereby require serialization of these weapons.

IV. STATE AND LOCAL LAW WILL NOT SUFFICE TO EFFECTIVELY PROTECT RESIDENTS OF THE AMICI CITIES FROM THE THREAT POSED BY GHOST GUNS.

A number of states and localities have passed laws seeking to protect their residents from the deadly threat of ghost guns, but these laws do not suffice, and federal regulation of ghost guns is required to protect the residents of the Amici Cities.

A number of the Amici Cities are located in states that have passed laws or introduced bills banning ghost guns and other untraceable homemade weapons. In July 2020, the New York

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ ATF, *Can functioning Firearms made From Receiver Blanks be Traced?*, <https://www.atf.gov/firearms/qa/can-functioning-firearms-made-receiver-blanks-be-traced> (“Because [ghost guns] do not have markings or serial numbers, . . . it is usually not possible to trace [them] . . .”). Although ATF can employ forensic methods to try to trace guns with altered or obliterated serial numbers, *see* ATF NTC Fact Sheet, *supra* n.34, these methods are unlikely to be availing for weapons that never had serial numbers to begin with.

Senate approved a bill that, if enacted, would “[c]riminalize[] the sale of ghost guns and require[] gunsmiths to register and serialize firearms, rifles, shotguns, and unfinished frames or receivers they assemble, manufacture, fabricate, [or] build.”⁴⁰ California, Connecticut, Hawaii, New Jersey, Rhode Island, and Washington, as well as Washington D.C., have all enacted similar provisions into law.⁴¹ And New York City (one of the Amici Cities) itself prohibits the possession of unfinished firearm frames and receivers. N.Y.C. Admin. Code § 10-314.⁴²

These laws, however, are by themselves insufficient to protect residents of the Amici Cities without complementary federal regulation by ATF, because local laws can be circumvented by simply acquiring ghost guns in less restrictive neighboring jurisdictions. As Los Angeles County Sheriff Alex Villanueva explained in a recent *60 Minutes* report on ghost guns, “[s]tate-by-state” regulations are insufficient because criminals “can just defeat [those] by going to another state.”⁴³ This problem is not merely hypothetical – several ghost gun traffickers have recently been caught attempting to have weapon components shipped to Pennsylvania (which has relatively weaker gun laws), so that they could be sold in neighboring New Jersey (which bans ghost guns).⁴⁴ Indeed, although he was not discussing ghost guns specifically, the

⁴⁰ N.Y. State Senate, Senate Bill S7763A, <https://www.nysenate.gov/legislation/bills/2019/s7763/amendment/a>.

⁴¹ Cal. Penal Code § 29180; Conn. Pub. Act No. 19-6 (2019); H.B. 2744, 30 Leg. (Haw. 2020); N.J. Stat. Ann. § 2C:39-9(k); R.I. Gen. Laws § 11-47-8; Wash. Code Ann. § 9.41.090; D.C. Act 23-245 (2020).

⁴² <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-7044>.

⁴³ Bill Whitaker, *Ghost Guns: The Build-It-Yourself Firearms that Skirt Most Federal Gun Laws and are Virtually Untraceable*, *60 Minutes* (May 10, 2020), <https://www.cbsnews.com/news/ghost-guns-untraceable-weapons-criminal-cases-60-minutes-2020-05-10/>.

⁴⁴ See, e.g., Anthony Bellano, *'Ghost Gun' Ring Sold Untraceable AR-15s in Camden County: Cops, Patch* (Mar. 18, 2019, 12:21 PM), <https://patch.com/new-jersey/gloucestertownship/ghost-gun-ring-sold-untraceable-ar-15s-camden-county-cops> (discussing a 2019 investigation that “resulted in the takedown of a network that trafficked untraceable firearms, including six AR-15 assault rifles” in New Jersey, in which the defendants discussed New Jersey law preventing them from shipping the firearms to New Jersey and a plan to ship them to Pennsylvania instead).

New Jersey Attorney General recently explained that “[f]our out of five crime guns in New Jersey originate in states with weaker gun laws, with the largest number coming from Pennsylvania.”⁴⁵

Thus, state and local laws are not enough to protect residents of the Amici Cities from the rising tide of violent crime committed with ghost guns. Rather, appropriate federal regulation by ATF – which Plaintiffs seek here – is necessary.

CONCLUSION

For the foregoing reasons, the Amici Cities respectfully request that the Court grant the Plaintiffs’ Motion for Summary Judgment.

⁴⁵ *New Jersey and Pennsylvania cops dismantle gun ring*, AP News (Jan. 28, 2020), <https://apnews.com/article/e3e61af8b8a3d351cfe26baf1fc0e87d>.

Dated: New York, New York
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EXHIBIT 1

2. I am currently assigned to the LAPD Gun Unit and have been for approximately 17 years. The Gun Unit is involved exclusively in the enforcement of the California Dangerous Weapons Control Act and the Municipal Code of the City of Los Angeles as it pertains to firearms. Prior to this assignment, I worked uniformed patrol, gangs, and divisional gang detectives. In these assignments, I have encountered a wide variety of firearms, including clandestinely manufactured firearms colloquially known as “ghost guns”.

3. As part of its regular operations, the LAPD maintains records of any firearms seized in connection with arrests, execution of search warrants, investigations, or any other related law enforcement activity.

4. Beginning in 2020, the LAPD Gun Unit was directed to work with Property Division to develop a searchable database to identify which of the seized firearms are in fact ghost guns. The Gun Unit provided Property Division personnel with training on how to identify a firearm as a ghost gun, defined as a clandestinely manufactured firearm having no serial number.

5. Attached hereto as Exhibit A is a true and correct copy of LAPD’s list of recovered ghost guns. This list includes numerous un-serialized firearms that Property Division identified as ghost guns.

6. The LAPD has seized hundreds of ghost guns between January 1, 2020 and November 30, 2020. Although there is no database documenting the seizure of ghost guns prior to January 1, 2020, I have observed an increasing number of ghost gun seizures in the last five years. Initially, the ghost guns being seized were primarily AR-15 style assault weapons. Over the past few years an increasing large number of ghost guns being seized are semiautomatic handguns. It is my expert opinion that the dramatic growth in the number of ghost guns is the

direct result of an increase in availability of precursor parts and the simplification of the manufacturing process. Precursor parts kits that require only the use of tools commonly found in most households are widely available in stores and on the internet. No gunsmithing skills are required to turn those precursor parts into a functioning firearm.

7. Ghost guns present specific challenges for public safety. These firearms impact investigators' ability to identify suspects associated with the unlawful use of such firearms including instances of gun violence. The lack of serial numbers makes it extremely unlikely that investigators will be able to identify individuals who are trafficking these firearms. Because precursor parts are not currently regulated, persons prohibited from possessing firearms can purchase these parts without identification or a background check. The ease at which precursor parts can be acquired combined with ease of manufacturing allow prohibited possessors to acquire firearms with little chance of being detected. Unfettered access to untraceable firearms represents a real and substantial threat to public safety. The only way to mitigate these dangers is to regulate precursor parts in the same manner as completed firearms - by requiring serial numbers and background checks.

8. Ghost guns have been seized in connection with a wide variety of circumstances throughout the City of Los Angeles including attempt murder, assault with a deadly weapon, firearms trafficking, and possession of firearms by prohibited persons. Several representative examples are described below.

9. On August 17, 2020, patrol officers who responded to a report of a traffic collision recovered a ghost gun, semiautomatic, .223 caliber assault rifle with a short barrel. Suspects admitted that they used the rifle to engage rival gang members in an exchange of gunfire. (DR #2005.....)

10. On June 25, 2020 Gun Unit personnel conducting a machine gun trafficking investigation served a search warrant where they recovered 16 ghost guns, including multiple AR-15 type assault rifles, semiautomatic pistols, and a semi-automatic shotgun. Templates and tools use to manufacture these types of firearms were also recovered. (DR #20-17.....)

11. On July 16, 2020, patrol officers responded to a shots-fired call. Witnesses reported that the suspect fired a rifle in the direction of an unknown victim before leaving the rifle on the ground between two parked vehicles and fleeing the location. The rifle recovered is a ghost gun, semiautomatic, .223 caliber AR-15 type assault rifle. (DR #20-04.....)

12. On January 5, 2020, Gang Enforcement officers detained gang members who had congregated at the scene of a recent gang-related murder. Officers recovered a ghost gun 9mm handgun from the pocket of one of the gang members. (DR #20-18.....)

13. On May 18, 2020, Narcotics Enforcement officers serving a search warrant on a suspected PCP drug lab recovered a ghost gun, semiautomatic, .223 caliber AR-15 type assault rifle. (DR #20-13.....)

14. On September 5, 2020, officers served a search warrant at the residence of a domestic violence suspect – a convicted felon prohibited from possessing firearms. Officers recovered multiple firearms including three ghost guns: a semiautomatic, .223 caliber, AR-15 type assault rifle and two semiautomatic handguns.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 16, 2020

Los Angeles, California



Benjamin Meda

EXHIBIT A

ITMNB	ORGCSTDT	ENTRYDT	MFRNM	MODLNM	MODLID	WPNTYPM	CALCNT	CALDSGCD	SRLCNDNM	STGFACCD	STGTYPCD	STGBINID	OPRID	DESCTXT
1	5	3/16/2020	3/17/2020	POLYMER80	GH0ST GUN	PF94094	9	MM	NONE	01	GU	80AL48	Z63SFA	BLK
2	1	5/31/2020	6/1/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	01	GU	80A033	Z63LEM	
3	4	7/8/2020	7/9/2020	POLYMER80		MACHINE GUN	UNK	CAL	NONE	01	GU	80A039	Z63JLM	
4	3	7/21/2020	7/22/2020	POLYMER80	GH0ST GUN	PF94002	9	MM	NONE	01	GU	89B004	Z63MXDA	GLOCK SLIDE W SERIAL # BF2Y045
5	4	8/31/2020	9/1/2020	POLYMER80	GH0ST GUN	PF94002	9	MM	NONE	71	DF	00DF00	Z63RLVG	
6	1	9/8/2020	9/8/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	01	GU	89B002	Z63EBT	
7	1	9/9/2020	9/10/2020	POLYMER80	GH0STGUN	PF940C	9	MM	NONE	71	SH	71A005	Z63SFA	
8	1	2/15/2020	2/19/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL01	Z63SXMA	
9	1	8/31/2020	8/31/2020	POLYMER80	GH0ST GUN	PF940V2	9	MM	NONE	02	GL	00GL00	Z63SXMA	
10	1	9/13/2020	9/14/2020	POLYMER80	GH0ST GUN	PF940C	40	CAL	NONE	02	GL	00GL02	Z63SXMA	BLK/GRY
11	5	1/30/2020	1/31/2020	POLYMER80	GH0ST GUN	PF940V2	40	CAL	NONE	02	GL	00GL02	Z63SXMA	BLK/GRY
12	6	1/30/2020	1/31/2020	POLYMER80	GH0ST GUN	PF940C	40	CAL	NONE	02	GL	00GL01	Z63SXMA	
13	5	3/27/2020	3/27/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL01	Z63SXMA	
14	2	4/1/2020	4/2/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL01	Z63SXMA	
15	2	5/15/2020	5/15/2020	POLYMER80	GH0ST GUN	PF9405C	40	CAL	NONE	02	GL	00GL02	Z63SXMA	
16	1	5/19/2020	5/21/2020	POLYMER80	GH0ST GUN	PF955	9	MM	NONE	02	GL	00GL02	Z63SXMA	
17	1	6/15/2020	6/15/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
18	2	7/2/2020	7/6/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
19	1	7/17/2020	7/17/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
20	1	8/3/2020	8/3/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
21	1	8/6/2020	8/6/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
22	3	8/17/2020	8/17/2020	POLYMER80	GH0ST GUN	PG940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	WITH GLOCK SLIDE SERIAL#RAV115
23	3	8/27/2020	8/28/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	02	GL	00GL02	Z63SXMA	
24	1	1/5/2020	1/6/2020	POLYMER80	GH0ST GUN	P80	9	MM	NONE	03	GL	00GL02	Z63JAF	
25	6	6/20/2020	6/25/2020	POLYMER80	GH0ST GUN	9F9405C	40	CAL	NONE	03	GL	00GL09	Z63JAF	
26	2	7/2/2020	7/2/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	03	GL	00GL04	Z63JAF	BS SLIDE
27	1	8/24/2020	8/26/2020	POLYMER80	GH0ST GUN	PF940V2	9	MM	NONE	03	GL	00GL04	Z63JAF	
28	1	3/27/2020	4/2/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL10	Z63JAF	NO SERIAL
29	2	3/27/2020	4/2/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	03	GL	00GL10	Z63JAF	NO SERIAL
30	1	3/28/2020	4/2/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	03	GL	00GL10	Z63JAF	
31	3	4/16/2020	6/2/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	12	GL	12GL09	Z63JXCA	
32	1	5/23/2020	5/26/2020	POLYMER80	GH0ST GUN	PF9405C	40	CAL	NONE	03	GL	00GL03	Z63JAF	NO SERIAL
33	1	5/26/2020	5/26/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL03	Z63JAF	W/ GLOCK SLIDENO SERIAL
34	1	6/3/2020	6/18/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	03	GL	00GL10	Z63JAF	W/ BS SLIDE NO SERIAL
35	1	6/13/2020	6/15/2020	POLYMER80	GH0ST GUN	PF940V2	9	MM	NONE	03	GL	00GL09	Z63JAF	
36	1	7/9/2020	7/9/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL04	Z63JAF	BLUE STEEL SLIDE W/TAN HANDLE NO SERIAL
37	1	7/21/2020	7/24/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL04	Z63JAF	NO SERIAL
38	1	8/13/2020	8/14/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL05	Z63JAF	BS SLIDE
39	1	8/17/2020	8/17/2020	POLYMER80	GH0ST GUN	PF940V2	UNK	CAL	NONE	03	GL	00GL04	Z63JAF	NO SERIAL
40	1	8/26/2020	8/27/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	03	GL	00GL04	Z63JAF	NO SERIAL
41	7	9/4/2020	9/8/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	01	GU	80A064	Z63JFM	GLOCK SLIDE WITH NO SERIAL NO. W/BLK & RED PLASTIC/METAL GRIP
42	7	9/10/2020	9/11/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	03	DF	00DF00	Z63FJGM	
43	1	9/11/2020	9/14/2020	POLYMER80	GH0ST GUN	PF4090	9	MM	NONE	03	GL	00GL10	Z63JAF	
44	1	9/11/2020	9/14/2020	POLYMER80	GH0ST GUN	PF940V2	9	MM	NONE	71	DF	00DF00	Z63JXCA	W/LASER ATTACHED
45	1	1/20/2020	1/21/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	01	24	24K012	Z63MLCA	
46	1	2/14/2020	2/18/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	04	GD	00GD03	Z63MLCA	W/GLOCK SLIDE S/N #BGAP549
47	1	5/3/2020	5/4/2020	POLYMER80	GH0ST GUN	PF940V2	9	MM	NONE	04	GD	00GD04	Z63MLCA	GLOCK SLIDE W/ SERIAL #BCEK961
48	1	5/25/2020	5/26/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	04	GD	00GD03	Z63MLCA	
49	1	8/31/2020	9/1/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	04	SH	50D003	Z63MLCA	GHOST GUN
50	6	1/17/2020	1/21/2020	POLYMER80	GH0ST GUN	PF45	45	CAL	NONE	04	GD	00GD01	Z63MLCA	GLOCK Z1 SLIDE W/ SERIAL #BFFG899
51	1	2/1/2020	2/3/2020	POLYMER80	GH0ST GUN	PF9405C	40	CAL	NONE	04	GD	00GD02	Z63MLCA	
52	1	4/15/2020	4/16/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	04	GD	00GD03	Z63MLCA	
53	1	8/21/2020	8/24/2020	POLYMER80	GH0ST GUN	PF9405C	40	CAL	NORMAL	04	SH	50D003	Z63MLCA	
54	2	1/3/2020	1/7/2020	POLYMER80	GH0ST GUN	PF9405C	UNK	CAL	NONE	01	24	24K018	Z63MXAD	NO ADDITIONAL SERIAL#
55	2	4/17/2020	4/23/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	05	GU	80E001	Z63MXRE	GUN SLIDE HAS NO SERIAL OR CALIBER MARKINGS
56	1	6/9/2020	6/10/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	05	GU	80E002	Z63MXAD	
57	1	1/3/2020	1/6/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	05	GU	80B003	Z63MXAD	NO ADDITIONAL SERIAL#
58	10	3/23/2020	3/25/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	05	GU	80B003	Z63MXAD	GLOCK SLIDE W/SERIAL NO BMXG241
59	2	3/24/2020	4/15/2020	POLYMER80	GH0ST GUN	PF940V2	45	CAL	NONE	05	GU	80B003	Z63MXAD	GLOCK SLIDE W/SERIAL# BFAT576
60	5	4/14/2020	4/15/2020	POLYMER80	GH0ST GUN	PF940V2	40	CAL	NONE	05	GU	80E001	Z63MXAD	GLOCK UPPER SLIDE W/ SERIAL# FDM758
61	1	4/14/2020	4/15/2020	POLYMER80	GH0ST GUN	PF9405C	UNK	CAL	NONE	05	GU	80E001	Z63MXAD	
62	1	5/8/2020	5/15/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	05	GU	80E002	Z63MXAD	
63	1	8/7/2020	8/7/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	05	GU	89A000	Z63MXAD	
64	3	8/15/2020	8/18/2020	POLYMER80	GH0ST GUN	PF9405C	9	MM	NONE	05	GU	80D002	Z63MXAD	
65	1	8/15/2020	8/17/2020	POLYMER80	GH0ST GUN	PF940C	UNK	CAL	NONE	05	GU	80D002	Z63MXAD	
66	1	9/5/2020	9/8/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	05	GU	80C003	Z63MXAD	
67	1	2/14/2020	2/19/2020	POLYMER80	GH0ST GUN	PF9405C	40	CAL	NONE	06	GL	00GL03	Z63DXBA	
68	3	5/10/2020	7/6/2020	POLYMER80	GH0ST GUN	PF940C	9	MM	NONE	06	GL	00GL02	Z63DXBA	

69	9	6/13/2020	6/15/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	NONE	06	GL	00GL02	Z63DXBA
70	5	7/16/2020	7/17/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	06	GL	00GL03	Z63DXBA
71	1	9/6/2020	9/10/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	71	SH	90A001	Z63AM5
72	38	2/5/2020	2/5/2020	POLYMER80	PF40C		PISTOL	9	MM	NONE	NONE	01	GU	80A014	Z63DXKA
73	1	2/15/2020	2/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	06	GL	00GL01	Z63DXBA
74	7	3/18/2020	3/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	NONE	01	GU	80A045	Z63RXGC
75	3	3/25/2020	3/25/2020	POLYMER80	GHOST GUN		PISTOL	9	MM	NONE	NONE	01	GU	80A051	Z63AXAA
76	4	3/25/2020	3/25/2020	POLYMER80	GHOST GUN		PISTOL	9	MM	NONE	NONE	01	GU	80A051	Z63AXAA
77	1	5/1/2020	5/5/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	02	GL	00GL02	Z63SXMA
78	1	5/3/2020	5/4/2020	POLYMER80	GHOST GUN		PISTOL	9	MM	NONE	NONE	06	GL	00GL01	Z63SHJ
79	9	5/12/2020	5/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	06	GL	00GL01	Z63DXBA
80	1	5/29/2020	6/4/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	71	SH	90A004	Z63DXBA
81	1	7/31/2020	7/6/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	06	GL	00GL02	Z63DXBA
82	1	8/22/2020	8/27/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	06	GL	00GL00	Z63DXBA
83	4	8/22/2020	8/26/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	06	GL	00GL00	Z63DXBA
84	1	8/25/2020	8/27/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	NONE	06	GL	00GL04	Z63DXBA
85	1	8/28/2020	8/28/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	71	SH	90A001	Z63DXBA
87	12	9/5/2020	9/7/2020	POLYMER80	GHOST GUN	PF940U2	PISTOL	9	MM	NONE	NONE	01	GU	80A064	Z63CRPA
88	13	9/5/2020	9/7/2020	POLYMER80	GHOST GUN	PF45	PISTOL	45	CAL	NONE	NONE	01	GU	80A064	Z63CRPA
89	5	9/5/2020	9/10/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	71	DF	00DF00	Z63AM5
90	7	2/4/2020	2/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	07	GL	00GL02	Z63EXBA
91	7	4/18/2020	4/20/2020	POLYMER80	GHOST GUN	P80	PISTOL	9	MM	NONE	NONE	01	GU	80A254	Z63NEB
92	4	5/15/2020	5/15/2020	POLYMER80	GHOST GUN	P80	PISTOL	9	MM	NONE	NONE	71	SH	90A002	Z63EXBA
93	1	5/30/2020	6/1/2020	POLYMER80	GHOST GUN		PISTOL	9	MM	NONE	NONE	07	GL	00GL02	Z63MAP
94	1	6/30/2020	7/6/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	71	SH	90A003	Z63EXBA
95	1	7/8/2020	7/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	07	GL	00GL02	Z63SHB
96	1	8/13/2020	8/17/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	NONE	07	GL	00GL02	Z63EXBA
97	2	8/19/2020	8/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	01	GU	80A060	Z63EBT
98	1	8/26/2020	8/28/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	07	GL	00GL02	Z63EXBA
99	5	9/10/2020	9/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	07	GL	00GL03	Z63EXBA
100	2	2/16/2020	2/24/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	40	CAL	NONE	NONE	08	GL	00GL01	Z63LDR
101	1	4/2/2020	4/13/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	19	GL	00GL02	Z63KWS
102	1	5/10/2020	5/11/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	09	GL	90V000	Z63VPE
103	10	7/1/2020	7/1/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	09	GL	09C000	Z63LDJ
104	3	1/9/2020	1/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	09	GL	90S000	Z63VXCA
105	1	5/11/2020	5/11/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	NONE	09	GL	90E000	Z63EFB
106	1	7/8/2020	7/9/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	NONE	09	GL	900000	Z63OEM
107	1	7/18/2020	7/20/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	09	GL	90S000	Z63JMA
108	2	7/29/2020	7/29/2020	POLYMER80	GHOST GUN	P80	PISTOL	40	CAL	NONE	NONE	71	SH	90A001	Z63FAR
109	2	7/30/2020	7/31/2020	POLYMER80	GHOST GUN		PISTOL	45	CAL	NONE	NONE	09	GL	09C000	Z63VPE
110	1	8/9/2020	8/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	NONE	09	GL	09B000	Z63DAN
111	1	8/17/2020	8/18/2020	POLYMER80	GHOST GUN		RIFLE	556	MM	NONE	NONE	09	GL	09A000	Z63VPE
112	2	8/17/2020	8/18/2020	POLYMER80	GHOST GUN		PISTOL	9	MM	NONE	NONE	09	GL	09C000	Z63VPE
113	2	9/1/2020	9/1/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	09	GL	09B000	Z63JAS
114	1	2/15/2020	2/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	919	MM	NONE	NONE	10	GL	00GL00	Z63JRP
115	1	5/4/2020	5/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	10	GL	00GL02	Z63JRP
116	1	4/16/2020	4/17/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	10	GL	00GL02	Z63JRP
117	1	6/30/2020	6/30/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	919	MM	NONE	NONE	10	GL	30D100	Z63JRP
118	3	1/1/2020	1/2/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	11	GS	11L001	Z63LAE
119	2	1/2/2020	3/12/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	11	GS	11L002	Z63LAE
120	1	3/11/2020	9/14/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	11	DF	24K070	Z63LAE
121	3	9/6/2020	9/14/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	11	DF	00DF00	Z63LAE
122	1	1/3/2020	1/6/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	01	24	24K014	Z63LAE
123	1	3/16/2020	3/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	11	GS	11L004	Z63LAE
124	1	3/20/2020	3/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	11	GS	11L001	Z63SHB
125	1	3/28/2020	3/31/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	11	GS	11L004	Z63LAE
126	1	4/30/2020	5/1/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	NONE	11	GS	11L001	Z63LAE
127	1	7/7/2020	7/7/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	11	GS	11L001	Z63LAE
128	1	7/20/2020	7/21/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	11	GS	11L004	Z63LAE
129	4	1/23/2020	1/27/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	01	24	24K005	Z63NYY
130	3	3/6/2020	3/11/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	NONE	12	GL	12GL07	Z63NYY
131	1	5/4/2020	5/6/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	NONE	12	GL	12GL03	Z63VMRE
132	2	5/28/2020	5/29/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	01	GU	89B002	Z63CRPA
133	1	7/10/2020	7/17/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	12	GL	12GL04	Z63NYY
134	1	7/11/2020	7/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	12	GL	12GL12	Z63JXCA
135	1	7/23/2020	7/24/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	NONE	12	GL	12GL12	Z63NYY
136	4	8/8/2020	8/26/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	NONE	12	GL	12GL07	Z63JXCA
137	1	8/14/2020	8/17/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	NONE	12	GL	12GL01	Z63NYY

GRY 3.5 INCH W/ SIGHT
BLK 4.5 INCH BARREL
W/WHIT FLAG ON SLIDE
PF940C .P80 ON LOWER RECEIVER
W/ BLK LASER LIGHT ATTACHED
W/ ENGRAVED SERIAL# 104061103

POLYMER FRAME UNK SLIDE WITH GOLD COMPENSATOR
POLYMER FRAME UNK SLIDE WITH GOLD COMPENSATOR

GLOCK SLIDE W/SERIAL BGGP295
GLOCK SLIDE

GHOST GUN

NO SERIAL ON SLIDE
NO SERIAL # ON SLIDE

NO SERIAL # ON SLIDE
NO SERIAL ON SLIDE

GLOCK SLIDE W/ SERIAL NO FRV318 W/ LASER

BLK PLASTIC GRIPS
BROWN POLYMER PISTOL W/ BLACK STEEL SLIDE
(GHOST GUN) W/TREATED BARREL, .40 CAL

HOLD FOR PRINTS

GLOCK SLIDE (SERIAL #: BEBZ377)
GLOCK SLIDE

W/ATTACHED BLK LASER

BLUE STEEL 9MM SEMI-AUTO W/ GRAY POLYMER FRAME
BLUE STEEL SEMI-AUTO 9MM W/ BLACK PLASTIC GRIPS
ROCK ISLAND ARMORY SLIDE
BLK STEEL PLASTIC GRIP
SEMI-AUTO 3.5" BARREL POLYMER FRAME W/BLK STEEL SL

SLIDE HAS NO SERIAL NUMBER
W/ GRY GRIPS

THREADED BARREL

GLOCK SLIDE

207	7	5/2/2020	5/4/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	14	GL	14GL03	Z63CSJ		
208	7	6/19/2020	6/22/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	06	GL	00GL03	Z63DXBA		
209	1	6/24/2020	6/24/2020	POLYMER80	PF940C	P80	PISTOL	UNK	CAL	NONE	14	GL	14GL01	Z63CSJ	GHOST GUN	
210	2	6/29/2020	6/29/2020	POLYMER80	PF940C	P80	PISTOL	40	CAL	NONE	14	GL	14GL03	Z63CSJ	GHOST GUN	
211	1	7/8/2020	7/9/2020	POLYMER80	P80	PF940V2	PISTOL	9	MM	NONE	14	GL	14GL01	Z63CSJ	GHOST GUN	
212	10	7/15/2020	7/30/2020	POLYMER80	P80	PF940V2	PISTOL	9	MM	NONE	14	GL	14GL02	Z63CSJ	GHOST GUN	
213	1	8/13/2020	8/14/2020	POLYMER80	P80	PF940V2	PISTOL	UNK	CAL	NONE	14	GL	14GL04	Z63CSJ	GHOST GUN	
214	2	8/15/2020	8/17/2020	POLYMER80	P80	PF940VZ	PISTOL	9	MM	NONE	14	GL	14GL04	Z63CSJ	GHOST GUN	
215	1	8/27/2020	8/28/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	71	DF	00DF00	Z63CSJ		
216	1	9/14/2020	9/15/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	14	DF	00DF00	Z63AMS		
217	5	7/11/2020	7/16/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	15	DF	00G000	Z63RAOC		
218	8	2/6/2020	2/7/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	15	GL	00G000	Z63KWS		
219	1	4/8/2020	4/9/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	15	GL	00G000	Z63BPT		
220	1	5/8/2020	5/8/2020	POLYMER80	PF940C		PISTOL	40	CAL	NONE	15	GL	00G000	Z63RAOC		
221	3	6/1/2020	6/3/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	15	GL	00G000	Z63RAOC	GLOCK SLIDE	
222	1	6/12/2020	6/16/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	15	GL	00G000	Z63FM	GLOCK UPPER, SERIAL#:BDNT579	
223	6	7/16/2020	7/17/2020	POLYMER80	GHOST GUN	PF940VZ	PISTOL	UNK	CAL	NONE	15	GL	00G000	Z63RAOC	BLANK SLIDE	
224	1	8/23/2020	8/24/2020	POLYMER80	GHOST GUN	PF90V2	PISTOL	9	MM	NONE	15	GL	00G000	Z63RAOC		
225	3	4/19/2020	4/22/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL04	Z63FM		
226	1	6/10/2020	6/11/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL04	Z63VPE	GLOCK SLIDE W/ SERIAL NO 9X19-1955	
227	11	7/18/2020	7/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	09	GL	90R000	Z63RKB	NO SERIAL # ON SLIDE	
228	12	7/18/2020	7/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	09	GL	90R000	Z63RKB	NO SERIAL # ON SLIDE	
229	3	7/22/2020	7/24/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM	VIRIDIAN GREEN LASER ATTACHED, BLANK UPPER	
230	1	7/25/2020	7/28/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM	TAN LOWER, GLOCK BLK SLIDE W/ NO SERIAL #	
231	1	9/12/2020	9/15/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	40G000	Z63FM	DAMAGED, BLANK UPPER SLIDE	
232	7	2/2/2020	2/28/2020	POLYMER80	(GHOST GUN)	PF940C	PISTOL	9	MM	NONE	16	GL	00GL03	Z63MYRE	GLOCK SLIDE SERIAL# BFG307	
233	2	1/12/2020	1/13/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	16	GL	00GL03	Z63MYRE	BLU STEEL, WITH A BLACK BLANK UPPER SLIDE	
234	1	2/21/2020	2/25/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL03	Z63MYRE	GUN SLIDE DOES NOT HAVE A SERIAL#	
235	3	3/18/2020	3/23/2020	POLYMER80	GHOST GUN	PF405C	PISTOL	40	CAL	NONE	16	GL	00GL05	Z63FM	BLANK UPPER SLIDE	
236	1	4/22/2020	4/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM		
237	1	5/2/2020	5/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM	BRO SLIDE, BLK FRAME	
238	1	6/16/2020	6/17/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	16	GL	00GL04	Z63FM	GLOCK SLIDE SERIAL#: GMM812	
239	1	6/17/2020	6/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL04	Z63FM	BLK UPPER SLIDE STAMPED "ZEV" "GGP	
240	2	7/12/2020	7/17/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM		
241	1	7/26/2020	7/28/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM		
242	1	7/28/2020	7/30/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM		
243	1	8/5/2020	8/7/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL05	Z63FM		
244	2	8/12/2020	8/14/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	16	GL	00GL06	Z63FM		
245	1	8/23/2020	8/24/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	17	DF	00DF00	Z63FM	W/GLOCK FACTORY SLIDE.	
246	1	9/7/2020	9/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	17	DF	00DF00	Z63FM	BLK/BRO	
247	2	3/3/2020	3/4/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	17	GL	00G000	Z63KAAA	W/UNMARKED BLACK SLIDE.	
248	15	8/23/2020	8/24/2020	POLYMER80	GHOST GUN	PF45	PISTOL	UNK	CAL	NONE	17	GL	00G000	Z63KAAA	W/BLK SLIDE.	
249	16	8/23/2020	8/24/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	919	MM	NONE	17	GL	00G000	Z63KAAA	W/GLOCK SLIDE.	
250	5	2/25/2020	2/26/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	17	GL	00G000	Z63KAAA	GLOCK SLIDE W/ SERIAL NO. BKJ5764	
251	1	3/19/2020	3/20/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	17	GL	00G000	Z63KAAA	GLOCK SLIDE W/ SERIAL NO. BEDV848.	
252	1	5/19/2020	5/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	17	GL	00G000	Z63KAAA	W/ZEV FACTORY SLIDE. NO SERIAL NUMBER.	
253	19	6/25/2020	6/25/2020	POLYMER80	PF940C	GHOST GUN	PISTOL	9	MM	NONE	01	GU	80A036	Z63XW		
254	21	6/25/2020	6/25/2020	POLYMER80	PF90V2	GHOST GUN	PISTOL	UNK	CAL	NONE	01	GU	80A036	Z63XW		
255	3	6/26/2020	6/30/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	17	GL	00G000	Z63KAAA	GLOCK SLIDE WITH SERIAL #TDE946.	
256	1	8/4/2020	8/5/2020	POLYMER80	GHOST GUN	PF45	PISTOL	10	MM	NONE	17	GL	00G000	Z63KAAA	W/UNKNOW MAKE BLK SLIDE.	
257	1	8/12/2020	8/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	919	MM	NONE	17	GL	00G000	Z63KAAA		
258	4	1/19/2020	1/21/2020	POLYMER80	NONE		PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
259	1	2/5/2020	2/6/2020	POLYMER80	NONE		PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
260	12	2/5/2020	2/6/2020	POLYMER80	NONE		PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
261	1	3/29/2020	4/1/2020	POLYMER80	NONE		PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
262	2	3/29/2020	4/1/2020	POLYMER80	NONE		PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
263	1	6/12/2020	6/12/2020	POLYMER80	NONE		PISTOL	40	CAL	NONE	18	GL	18GL00	Z63KNH	WITH THREADED BARELL	
264	2	7/21/2020	7/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
265	1	1/1/2020	1/2/2020	POLYMER80	GHOST GUN	19	PISTOL	9	MM	NONE	18	GL	18GL01	Z63KNH	SERIAL# ON SLIDE: BGAS683	
266	2	3/18/2020	3/19/2020	POLYMER80	GHOST GUN	OBLITERATED	PISTOL	9	MM	NONE	18	GL	18GL00	Z63JAF	NO SERIAL, OBLITERATED MODEL NUMBER	
267	1	4/14/2020	4/15/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	NO GLOCK SERIAL NUMBER	
268	1	4/27/2020	4/29/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	12	GL	12GL06	Z63KNH	GLOCK SLIDE	
269	1	5/1/2020	5/1/2020	POLYMER80	GHOST GUN	27	PISTOL	40	CAL	NONE	18	GL	18GL00	Z63KNH		
270	1	5/2/2020	5/4/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	GLOCK SLIDE SN# BGAM540	
271	2	5/10/2020	5/14/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
272	2	7/23/2020	8/6/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
273	1	7/28/2020	7/29/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
274	1	8/5/2020	8/7/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
275	1	8/9/2020	8/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	18	GL	18GL00	Z63KNH	GLOCK SLIDE #BMBA919	

414	12	10/1/2020	10/7/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	919	MM	NONE	71	SH	90A002	Z63SMKD		
415	1	10/2/2020	10/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	03	GL	00GL09	Z63JAF	NO SERIAL	
416	2	10/2/2020	10/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	04	GD	00GD05	Z63MLCA	GHOST GUN	
417	1	10/2/2020	10/6/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	13	GL	00GL03	Z63TRH	GLOCK 19 SLIDE	
418	1	10/2/2020	10/2/2020	POLYMER80		UNK	PISTOL	9	MM	NONE	71	DF	00DF00	Z63MXRE		
419	1	10/2/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	74	SH	00TR00	Z63KNH		
420	2	10/3/2020	10/5/2020	POLYMER80	GHOST GUN	P80	PISTOL	9	MM	NONE	11	GS	11L006	Z63LAE		
421	1	10/3/2020	10/5/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	12	GL	12GL13	Z63JXCA	GRN SLIDE	
422	1	10/3/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	74	SH	00TR00	Z63KNH	BLK SLIDE	
423	2	10/3/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	71	DF	00DF00	Z63KNH	W/GLOCK FACTORY SLIDE	
424	2	10/3/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	21	GL	00GL00	Z63FMB	W/GLOCK FACTORY SLIDE	
425	1	10/3/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	09	GL	90W000	Z63JMA	MULTICOLOR	
426	3	10/4/2020	10/6/2020	POLYMER80			PISTOL	40	CAL	NONE	12	GL	12GL11	Z63NYY		
427	1	10/4/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
428	1	10/4/2020	10/5/2020	POLYMER80			PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	BLU FRAME	
429	1	10/5/2020	10/8/2020	POLYMER80			PISTOL	9	MM	NONE	71	DF	00DF00	Z63NEL		
430	1	10/5/2020	10/6/2020	POLYMER80			PISTOL	9	MM	NONE	04	SH	50D003	Z63MLCA	GHOST GUN	
431	1	10/5/2020	10/6/2020	POLYMER80			PISTOL	UNK	CAL	NONE	11	GS	11L004	Z63LAE	4" STEEL BARREL	
432	3	10/5/2020	10/7/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL12	Z63NYY	WITH GLOCK SLIDE ADF5788	
433	1	10/5/2020	10/6/2020	POLYMER80			PISTOL	9	MM	NONE	71	SH	90A002	Z63IFM	W/GLOCK FACTORY SLIDE	
434	1	10/6/2020	10/7/2020	POLYMER80			PISTOL	9	MM	NONE	71	SH	71C011	Z63SXMA		
435	3	10/6/2020	10/6/2020	POLYMER80			PISTOL	UNK	CAL	NONE	03	GL	00GL05	Z63JAF	ASSAULT PISTOL W/ THREADED BARREL, NO SERIAL	
436	3	10/6/2020	10/8/2020	POLYMER80			PISTOL	9	MM	NONE	01	GU	80A068	Z63SFA		
437	5	10/6/2020	10/8/2020	POLYMER80			PISTOL	40	CAL	NONE	01	GU	80A068	Z63SFA		
438	7	10/6/2020	10/8/2020	POLYMER80			PISTOL	9	MM	NONE	01	GU	80A068	Z63SFA		
439	4	10/6/2020	10/7/2020	POLYMER80			PISTOL	9	MM	NONE	15	GL	00G000	Z63RAOC	BS SLIDE "ZP" MARKING	
440	3	10/6/2020	10/6/2020	POLYMER80			PISTOL	9	MM	NONE	71	DF	00DF00	Z63KNH		
441	1	10/7/2020	10/7/2020	POLYMER80			PISTOL	9	MM	NONE	02	GL	00GL03	Z63SXMA		
442	1	10/7/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL14	Z63JXCA		
443	1	10/7/2020	10/9/2020	POLYMER80			PISTOL	UNK	CAL	NONE	12	GL	12GL14	Z63NYY		
444	2	10/7/2020	10/9/2020	POLYMER80			PISTOL	40	CAL	NONE	12	GL	12GL14	Z63NYY		
445	1	10/7/2020	10/9/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	00GL02	Z63NYY		
446	1	10/7/2020	10/8/2020	POLYMER80			PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
447	10	10/8/2020	10/9/2020	POLYMER80			PISTOL	9	MM	NONE	01	GU	80A068	Z63SSM	GRY POLYMER GRIP GHOST GUN	
448	1	10/8/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL14	Z63RESA		
449	1	10/8/2020	10/9/2020	POLYMER80			PISTOL	9	MM	NONE	15	GL	00G000	Z63RAOC	YELLOW STEEL SLIDE ZEY	
450	4	10/8/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
451	3	10/9/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	03	GL	00GL05	Z63AMS		
452	1	10/9/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	05	GU	80C003	Z63MXAD		
453	1	10/10/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	02	GL	00GL03	Z63SXMA		
454	8	10/10/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	10	DF	00DF00	Z63IRPA		
455	1	10/10/2020	10/14/2020	POLYMER80			PISTOL	40	CAL	NONE	14	GL	14GL01	Z63CSJ	GRN LOWER W/ GLOCK SLIDE SERIAL #BFFU602	
456	1	10/10/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL14	Z63FIGM		
457	4	10/11/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	13	GL	00GL03	Z63TRH	BLU STEEL SLIDE/GRY FRAME W/LASER ATTACHMENT	
458	3	10/12/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	03	GL	00GL05	Z63AMS		
459	1	10/12/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	05	GU	89A000	Z63MXAD	ASSAULT PISTOL W/ THREADED BARREL	
460	1	10/12/2020	10/13/2020	POLYMER80			PISTOL	40	CAL	NONE	03	GL	00GL05	Z63AMS		
461	1	10/12/2020	10/13/2020	POLYMER80			PISTOL	9	MM	NONE	74	SH	00TR00	Z63KNH	TAN FRAME	
462	1	10/13/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	02	GL	00GL03	Z63SXMA		
463	1	10/13/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL14	Z63JXCA	W/THREADED BARREL	
464	1	10/13/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	13	GL	00GL04	Z63TRH	GLOCK 19 SLIDE	
465	3	10/13/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	74	SH	00TR00	Z63KNH	W/ GLOCK 19 SLIDE	
466	2	10/14/2020	10/15/2020	POLYMER80			PISTOL	9	MM	NONE	03	GL	00GL05	Z63KWS	NO SERIAL	
467	1	10/14/2020	10/14/2020	POLYMER80			PISTOL	UNK	CAL	NONE	12	GL	12GL14	Z63JXCA	TAN, W/LASER SIGHT	
468	5	10/14/2020	10/15/2020	POLYMER80			PISTOL	9	MM	NONE	11	DF	00DF00	Z63LAE	THREADED BARREL	
469	1	10/14/2020	10/15/2020	POLYMER80			PISTOL	9	MM	NONE	14	GL	14GL02	Z63CSJ		
470	7	10/14/2020	10/14/2020	POLYMER80			PISTOL	9	MM	NONE	14	GL	14GL01	Z63CSJ		
471	1	10/14/2020	10/15/2020	POLYMER80			PISTOL	9	MM	NONE	71	DF	00DF00	Z63KWS		
472	1	10/15/2020	10/16/2020	POLYMER80			PISTOL	9	MM	NONE	03	GL	00GL05	Z63JAF		
473	26	10/15/2020	10/20/2020	POLYMER80			PISTOL	919	MM	NONE	10	GL	30D100	Z63IRPA		
474	1	10/15/2020	10/19/2020	POLYMER80			PISTOL	UNK	CAL	NONE	18	GL	18GL00	Z63KNH		
475	1	10/16/2020	10/20/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	00GL02	Z63NYY		
476	5	10/16/2020	10/19/2020	POLYMER80			PISTOL	9	MM	NONE	13	GL	00GL04	Z63TRH		
477	1	10/16/2020	10/21/2020	POLYMER80			PISTOL	919	MM	NONE	19	GL	00HP01	Z63SMKD		
478	1	10/17/2020	10/20/2020	POLYMER80			PISTOL	9	MM	NONE	71	SH	90A002	Z63DXBA		
479	1	10/17/2020	10/19/2020	POLYMER80			PISTOL	9	MM	NONE	12	GL	12GL04	Z63JXCA	W/LASER ATTACHED	
480	1	10/17/2020	10/19/2020	POLYMER80			PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH		
481	2	10/18/2020	10/26/2020	POLYMER80			PISTOL	UNK	CAL	NONE	19	GL	00HP01	Z63BPT	BLU STEEL GRAY POLYMER GRIP WITH NO SERIAL NUMBER	
482	5	10/19/2020	10/20/2020	POLYMER80			PISTOL	9	MM	NONE	71	DF	00DF00	Z63JMA		

552	1	11/29/2020	11/30/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	919	MM	NORMAL	10	DF	00DF00	Z63JRP	GLOCK SLIDE W/SERIAL#BRDA538
553	1	11/30/2020	12/1/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NORMAL	10	GL	30D100	Z63JRP	GLOCK SLIDE
554	1	11/30/2020	12/2/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	919	MM	NONE	10	GS	30D100	Z63JRP	GLOCK SLIDE
555	1	11/11/2020	11/12/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	11	GL	11L001	Z63LAE	
556	3	11/10/2020	11/12/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	12	GL	12GL14	Z63NY	
557	1	11/23/2020	11/24/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	12	GL	12GL11	Z63JXA	
558	1	11/28/2020	11/30/2020	POLYMER80	GHOST GUN	PF940CL	PISTOL	9	MM	NONE	71	DF	00DF00	Z63JXA	
559	2	11/1/2020	11/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	12	GL	12GL10	Z63JXA	
560	1	11/9/2020	11/10/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	12	GL	12GL05	Z63NY	THREADED BARREL
561	1	11/9/2020	11/10/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	12	GL	12GL05	Z63NY	WITH UNSERIALIZED GLOCK SLIDE
562	1	11/14/2020	11/20/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	12	GL	12GL16	Z63NY	
563	1	11/28/2020	12/1/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	71	DF	00DF00	Z63JXA	
564	2	11/15/2020	11/16/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	12	GL	12GL14	Z63NY	
565	3	11/16/2020	11/17/2020	POLYMER80	GHOST GUN	PF94C	PISTOL	UNK	CAL	NONE	12	GL	12GL06	Z63NY	
566	1	11/20/2020	11/23/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	12	GL	00GL02	Z63JXA	
567	1	11/24/2020	12/1/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	71	DF	00DF00	Z63NY	
568	1	11/29/2020	12/1/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	12	GL	00GL02	Z63JXA	
569	1	11/14/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	13	GL	00GL07	Z63TRH	
570	1	11/21/2020	11/24/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	13	GL	00GL00	Z63TRH	
571	1	11/14/2020	11/16/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	13	GL	00GL00	Z63TRH	
572	1	11/17/2020	11/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	13	GL	00GL07	Z63TRH	
573	1	11/29/2020	11/30/2020	POLYMER80	GHOST GUN	PF95S	PISTOL	UNK	CAL	NONE	14	GL	14GL01	Z63CSJ	
574	1	11/13/2020	11/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	14	GL	14GL06	Z63CSJ	GHOST GUN W/ GLOCK BARREL,OPTIC UNMARKED SLIDE
575	1	11/14/2020	11/16/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	UNK	CAL	NONE	15	GL	00G000	Z63RAOC	
576	3	11/11/2020	11/12/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	15	GL	00G000	Z63RAOC	
577	2	11/16/2020	11/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	15	GL	00G000	Z63RAOC	
578	1	11/3/2020	11/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	16	GL	00GL04	Z63JFM	
579	1	11/11/2020	11/13/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	16	GL	00GL04	Z63JFM	GLOCK FACTORY SLIDE WITH NO SERIAL #
580	5	11/24/2020	11/25/2020	POLYMER80	GHOSTGUN	PF940C	PISTOL	16	MM	NONE	16	GL	40G000	Z63JFM	W/GLOCK SLIDE,ATTACHED LIGHT/LASER,THREADED BARREL
581	6	11/24/2020	11/25/2020	POLYMER80	GHOSTGUN	PF940C	PISTOL	16	MM	NONE	16	GL	40G000	Z63JFM	GLOCK SLIDE W/SERIAL # BBGC905
582	1	11/13/2020	11/16/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	16	GL	00G000	Z63JFM	OLIVER POLYMER FRAME
583	1	11/23/2020	11/23/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	17	GL	00G000	Z63DAN	UNK SLIDE NO SERIAL, THREADED BARREL
584	3	11/29/2020	12/1/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	17	GL	00G000	Z63KAAA	W/GLOCK SLIDE (SERIAL NO. BEUL496).
585	1	11/10/2020	11/10/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	17	GL	00G000	Z63KAAA	W/ROCK SLIDE USA SLIDE,GLOCK PART SERIAL# BLZG380.
586	7	11/9/2020	11/10/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	40	CAL	NONE	18	GL	18GL00	Z63KNH	
587	1	11/27/2020	11/30/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
588	2	11/27/2020	11/30/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
589	1	11/5/2020	11/5/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
590	1	11/6/2020	11/9/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
591	2	11/8/2020	11/9/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
592	5	11/9/2020	11/10/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
593	1	11/12/2020	11/13/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	22	CAL	NONE	18	SH	90A003	Z63KNH	WITH LIGHT ATTACHED
594	1	11/13/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	12	GL	12GL10	Z63NY	
595	1	11/13/2020	11/19/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	40	CAL	NONE	12	GL	12GL10	Z63NY	
596	1	11/13/2020	11/16/2020	POLYMER80	GHOST GUN	PF940V2	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
597	4	11/13/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
598	1	11/15/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
599	1	11/16/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
600	2	11/16/2020	11/16/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	GLOCK SLIDE SERIAL #8KLG105
601	1	11/16/2020	11/17/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63AM5	
602	1	11/17/2020	11/18/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
603	1	11/18/2020	11/19/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
604	1	11/22/2020	11/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
605	1	11/22/2020	11/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	WITH THREADED BARREL
606	4	11/23/2020	11/24/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	DF	00DF00	Z63KNH	
607	1	11/24/2020	11/25/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
608	2	11/30/2020	12/1/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
609	1	11/22/2020	11/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	20	GS	80D002	Z63MAP	
610	1	11/3/2020	11/9/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	21	GL	00GL00	Z63FMB	W/ZP" SLIDE
611	1	11/23/2020	11/23/2020	POLYMER80	GHOST GUN	PF940SC	PISTOL	9	MM	NONE	21	GL	00GL00	Z63FMB	
612	1	11/26/2020	11/30/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	09	GL	90M000	Z63JMA	BLK POLYMER FRAME W/ SAND PAPER GRIPS
613	4	11/10/2020	11/12/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	9	MM	NONE	18	GL	18GL00	Z63KNH	
614	1	11/17/2020	11/24/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	UNK	CAL	NONE	12	GL	12GL11	Z63JXA	
615	2	11/20/2020	11/23/2020	POLYMER80	GHOST GUN	PF940C	PISTOL	40	CAL	NONE	18	GL	18GL00	Z63KNH	

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF SYRACUSE, NY, <i>et al.</i> ,	: CIVIL ACTION
	: DOCKET NO.: 1:20-cv-06885-GHW
Plaintiffs,	:
v.	:
BUREAU OF ALCOHOL, TOBACCO, AND	:
FIREARMS, <i>et al.</i> ,	:
Defendants.	:
	:
	:
	:
	:
	:
	:----- X

DECLARATION OF Seattle Police Detective Kevin M Jones #6294

I, Kevin M Jones, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a detective in the Seattle Police Department. This Declaration is based on my personal knowledge and best recollection. If called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. In my role as the Firearms Specialist Detail detective, I test-fire semi-automatic handguns and rifles recovered by the Seattle Police Department during police investigations to obtain fired cartridge casings to enter into NIBIN (National Integrated Ballistic Information Network) to determine if any of those firearms have been used in previous shootings. I have

been in this position for approximately four years. As part of my examination of recovered firearms, I document identifying information about those firearms (make, model, caliber, serial number, country of origin if made outside US and importer). If a firearm lacked such markings and it was not a firearm made prior to the Gun Control Act of 1968 it may be considered homemade. As part of its regular course of business, the Seattle Police Department maintains records of any firearms collected in connection with an arrest, execution of a search warrant, investigation, or any other related law enforcement activity.

3. Beginning in 2017, the Seattle Police Department began also collecting data regarding which collected firearms were homemade.

4. In these records, a homemade, or un-serialized gun, is defined as a “firearm that lacks commercial serial numbers or other identifying marks.”

5. If a homemade firearm contains any markings indicating that the frame originated from Polymer80, the records state as such.

6. Attached hereto as Exhibit A is a true and correct copy of the Seattle Police Department’s records regarding the recovery of homemade firearms.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 24, 2020
Seattle, Washington



Kevin Jones #6294

EXHIBIT A

Homemade firearm - From Wikipedia

A **homemade firearm (un-serialized gun)** is a term for a [firearm](#) that lacks commercial [serial numbers](#) or other identifying marks. (The term "Ghost Gun" referred to a gun that cannot be detected by a metal detector and/or x-ray machine.) A homemade firearm doesn't have a serial number because adding a one would count as manufacturing a firearm with intent to sell. The term is used mostly in the United States by [gun control](#) advocates, [gun rights](#) advocates, law enforcement, and some in the firearm industry. [\[1\]\[2\]\[3\]\[4\]](#) Un-serialized guns are in general legal. [\[1\]](#) By making guns themselves, owners are usually not subject to federal or state commercial [background check](#) regulations. [\[5\]](#) Yet, if a prohibited person manufactures one they will have committed a felony with a 10 year jail sentence. Manufacturing a true, undetectable "ghost gun" is illegal.

From 10/05/2017 to 10/05/2020, seventeen homemade firearms were submitted to the SPD Evidence Unit. Nine were used in the commission of crimes including: two Drive-By Shootings, two Armed Robberies, one DV Assault, one Harassment, one Auto Theft, and two Unlawful Possessions (CCW, VUFA). They are highlighted below. Seven of the remaining eight guns were not used as a weapon in the crime at hand. No "Ghost Guns" as defined above were submitted to the Evidence Unit.

CASE #	DESCRIPTION	LOCATION	OFFENSE/INCIDENT
2017-365130	Unk make AR-15 type 300 Blackout cal rifle	Burned	Suspicious/Found
2017-469373	Unk make AR-15 type 5.56 cal semi-auto rifle w/suppressor	D29D12	Anonymous turn-in
2018-418807	Polymer 80 Glock-type 9mm semi-auto pistol	D01B	Auto Theft – Susp's possession
2018-445513	Unk make, unk model semi-auto pistol	D01B	Narcotics - Search Warrant
2019-344186	Polymer 80 .40 cal semi-auto pistol	D01B	DV Assault – Search Warrant
2019-352558	Polymer 80 9mm semi-auto pistol	D01B	CCW - Possession
2019-359722	Unk make AR-15 type 5.56 cal semi-auto rifle w/scope	D04A24	Court Ordered Surrender - ERPO
2020-019402	FAB Israel AG43 .223 AR-15 type semi-auto rifle	D06A48	Drive-By Shooting – Gun Used
2020-069955	Polymer 80 9mm semi-auto pistol	D01B	Armed Robbery – Gun Used
2020-079499	Unk make P80 9mm semi-auto pistol	D01B	Narcotics – Unk (No report in Mark43)
2020-142288	Polymer 80 9mm semi-auto pistol	D01B	DV Assault – Gun Used
2020-146791	Polymer 80 9mm semi-auto pistol	D01B	Drive-By Shooting – Gun Used
2020-150755	Red AR-15 rifle w/scope	D03A42	Narcotics – Search Warrant
2020-185170	Polymer 80 .40 cal semi-auto pistol	D01B	VUFA - Possession
2020-202480	Polymer 80 9mm semi-auto pistol	D01B	Armed Robbery – Gun Used
2020-237672	Polymer 80 9mm semi-auto pistol	D01B	Harassment – Gun Used
2020-243814	Polymer 80 9mm semi-auto pistol	D01B	Forgery – Recovered in hotel room

EXHIBIT 3

the City of Rochester and Monroe County.

3. As part of its regular course of business, the Monroe County Crime Lab maintains records of any firearms collected in connection with an arrest, execution of a search warrant, investigation, or any other related law enforcement activity for a variety of agencies including the Rochester Police Department and the federal Drug Enforcement Administration.

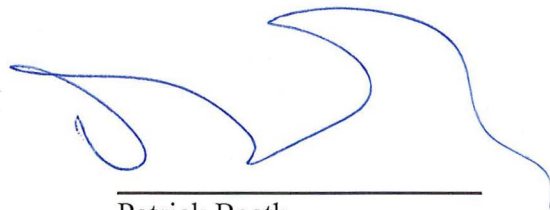
4. Beginning in 2018, the Monroe County Crime Lab also began collecting data regarding which collected firearms were ghost guns.

5. In these records, a ghost gun is defined as a homemade firearm without a serial number.

6. Attached hereto as Exhibit A is a true and correct copy of the Monroe County Crime Lab's records regarding the recovery of ghost guns.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 10, 2020
Rochester, New York



Patrick Beath

EXHIBIT A

"Ghost" guns received at MCCL

BRAND	MODEL	CALIBER	SERIAL #	Case #	Agency	CR#	notes
Polymer80	PF940C	9mm Luger	None	0225-18	RPD	2018015349	
Polymer80	PF940	40 S&W	None	0488-18	RPD	2018040987	
Polymer 80	PF940SC	9mm Luger	None	1890-18 #4	RPD	2018192694	
Unknown	PF940C	40 S&W	None	2309-18	RPD	2018239575	
Polymer 80	PF940V2	40 S&W	none	0082-19	NYSP	8642911	
Unknown	PF940	40 S&W	none	0210-19	RPD	2019029020	
Polymer80	PF940C	9mm Luger	None	2624-18	RPD	2018282409	
Unknown	PF940	9mm Luger	None	0279-19	RPD	201901142	
Polymer 80	PF940SC	9mm Luger	None	1072-19	RPD	2019151329	
Polymer 80	PF940V2	9mm Luger	None	0684-19	DEA	C9-18-0025	Functioning Full auto switch
Polymer80	PF940V2	9mm Luger	None	2183-19	NYSP	19-294984	
Polymer80	PF940C	9mm Luger	None	1546-19	RPD	2019207049	
Unknown	PF940C	40 S&W	None	0675-19	RPD	2019092212	
Polymer80	PF940C	9mm Luger	None	2086-19	RPD	2019278745	
Polymer80	PF940C	9mm Luger	None	1905-19	ATF	765080-19-0057	
Unknown	Unknown	40 S&W	None	1561-19	RPD	2019210614	
Unknown	AR style	223 Rem	None	0056-18	RPD	2018000651	
Polymer80	PF940C	9mm Luger	None	0682-19	RPD	2019093374	
Unknown	AR style	223 Rem	None	2169-19	RPD	2019292730	
Unknown	AR style	223 Rem	None	0430-19	RPD	2019049435	
unknown	AR style	300ACC Black	None	0123-20	RPD	2020013391	
Polymer80	PF940sc	40 S&W	None	0137-20	NYSP	20-014931	
Polymer 80	PF940SC	9mm Luger	None	0453-20	RPD	2020051750	
Polymer80	PF940C	40 S&W	None	0703-20	RPD	2020079471	
Polymer80	PF9SS	9mm Luger	None	0846-20	RPD	2020092340	
Polymer80	Unknown	40 S&W	None	0975-20	RPD	2020106570	Glock slide/barrel Defaced manufacturer on frame
Polymer80	PF940C	9mm Luger	None	0944-20	RPD	2020102719	
Polymer80	PF940C	9mm Luger	None	0544-20	MCSO	20-049680	

EXHIBIT 4

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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June 27, 2019
Start: 10:12 a.m.
Recess: 1:12 p.m.

HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: DONOVAN J. RICHARDS
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams
Justin L. Brannan
Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
Vanessa L. Gibson
Rory I. Lancman
Carlos Menchaca
I. Daneek Miller
Keith Powers
Ydanis A. Rodriguez
Paul A. Vallone

A P P E A R A N C E S (CONTINUED)

Oleg Chernyavsky, Executive Director of
Legislative Affairs for the NYPD

James Essig, Assistant Chief of the Detective
Bureau, NYPD

Marie Delus, Marine of Desert Storm,
Sharpshooter, and member of Moms Demand Action
for Gun Sense in America

Natalie Eisner, Moms Demand Action

Lilanna Zaragoza Representing NAACP Legal Defense
Fund, Bronx Defenders & Center for Constitutional
Rights

Fazia Siddiqui, Legal Intern, Girls for Gender
Equity

Albert Cahn, Executive Director and Founder of
Surveillance Technology Oversight Project

Yung-Mi Lee, Brooklyn Defender Services

Alex Vitale, Policing and Social Justice Project,
Brooklyn College

Fidel Guzman form Blood Gang Member, and
Close Rikers Campaign Member

Victor Dempsey, Community Organizer, Legal Aid
Society, Criminal Justice Unit

Dave Howell, CUNY School of Law

Craig Lewis, Legal Aid Society

David Pacino, Staff Attorney, Keifer's Law Center
to Prevent Gun Violence

Diane Kingston a/k/a Diane Malika Momine (sic)
Houston

1 COMMITTEE ON PUBLIC SAFETY 4

2 [sound check] [pause] [gavel]

3 CHAIRPERSON RICHARDS: Alrighty, Good
4 morning. I'm Council Member Donovan Richards from
5 the 31st District in Queens and I'm the Chair of the
6 Public Safety Committee. This is our second hearing
7 this month, and unfortunately, just as we did earlier
8 this month, we have to begin on a somber note as
9 another NYPD officer took his life this morning no
10 low-income. This is the fourth member of the NYPD to
11 take their own life this month, and the sixth this
12 year. This is a crisis that we have a responsibility
13 to figure out how to appropriately address. We may
14 never know what these officers were going through,
15 but I'm committed to working with Commissioner O'Neil
16 to figure out how we can create better support
17 services for our officers that provide them the
18 freedom to come forward to speak to professionals
19 without fear of losing a paycheck or their job. We
20 have to get a handle on this as soon as possible and
21 I look forward to having more discussions with the
22 NYPD on how the Council can help to expand the
23 resources that available to officers and eradicating
24 the stigma that come along with law enforcement
25 officers speaking about their mental health. Let's

1 COMMITTEE ON PUBLIC SAFETY 5
2 have a moment of silence. [moment of silence] Thank
3 you. Today we are taking up several pieces of
4 legislation. I'll start with the two bills related
5 to untraceable firearms that are also—that I'm also
6 co-sponsoring, Introduction No. 1553 sponsored by
7 Council Member Rosenthal in relation to prohibiting
8 unfinished frames or receivers, which are items that
9 can be purchased on the Internet and easily converted
10 into untraceable firearms. Introduction 1548
11 sponsored by myself and East Queens colleague who
12 will be here, Council Member Miller in relation to
13 reporting on the seizure of 3-dimensional pointed
14 guns, and those guns or any piece of part thereof.
15 In Resolution No. 866 also sponsored by Council
16 Member Miller calling on the United States Congress
17 to pass and the President to sign HR7115 also
18 referred to as the 3D Firearms Prohibition Act. We
19 are also hearing a bill sponsored by Council Member
20 Dromm that seeks to uphold the presumption of
21 innocence that that is fundamental to our nation's
22 justice systems, but it isn't always honored in the
23 court of public opinion. The bill is Introduction
24 No. 635 in relation to prohibiting staged perp walks.
25 Next we are hearing a bill sponsored by Council

1 COMMITTEE ON PUBLIC SAFETY 6

2 Member Treyger who unfortunately can't be present

3 today, Introduction No. 567 in relation to internet

4 purchase-purchase exchange locations, which would

5 create safe spaces for people to conduct transactions

6 initiated online with strangers. Now, I'll turned to

7 one of the bills I'm co-sponsoring along with my-my

8 colleague 3D Council Member Borelli Introduction No.

9 1244 in relation to prohibiting certain unsolicited

10 disclosures of intimate images. This bill would make

11 it a crime to send a stranger unwanted nude

12 photographs using electronic devices and software

13 such as Apples' iDrop. Now, I'm all for advances in

14 technology, but the last thing we need is another way

15 for people to engage in sexual harassment. Anyone

16 who's been to one of my hearings knows I oppose the

17 expansion of the Criminal Justice System, but there

18 really is no justification for this kind of conduct.

19 It's not a crime of poverty. This is just about

20 basic decency and protecting potential victims of

21 sexual harassment. Last, but certainly not least, I

22 want to turn to a very important bill that I'm

23 sponsoring, which follows up on a hearing we did last

24 year addressing the NYPD's Gang Database.

25 Preconsidered Introduction T2018-2223 would require

1 COMMITTEE ON PUBLIC SAFETY 7

2 the NYPD to provide notice to minors included in the

3 Criminal-Criminal-Criminal Group's database also

4 known as the Gang Database. This bill represents a

5 small, but crucial first step to achieving

6 transparency and oversight of law enforcement that

7 raises a lot of concerns about the policing and

8 racial equity in this city. I was particularly

9 alarmed last year to learn that almost 10% of the

10 individuals who the NYPD keeps track of because they

11 believe that that person is involved with a gang are

12 under 18 years old, with some as young as 13 and 14

13 years old. We also learned that those kids who are

14 incident to the database are not re-evaluated until

15 their 23rd birthday. That means that these young

16 kids, and they are pretty much all young black and

17 Latino kids, 99% to be exact grow up being tracked

18 and surveilled may be arrested more frequently for

19 minor conduct, may be subject to other collateral

20 consequences for their entire teenage lives, and

21 that's true even if they had never been convicted of

22 a crime because a criminal record is not a

23 prerequisite to entry into the database. Let me

24 pause here and clarify one thing. I am not ignoring

25 the harms of gang violence. It's a problem in the

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2 very communities we have perpetually left behind.
3 Many of the residents in those communities including
4 mine want the NYPD to take actions against those
5 individuals who are responsible for violence. I'm not
6 saying the NYPD shouldn't investigate and arrest
7 people who are responsible for violence, and I'm not
8 saying that keeping track of those individuals is in
9 and of itself an invalid law enforcement tool, but I
10 am saying that when there is a history of racially
11 biased policing in this city that has caused far more
12 collateral consequences for people of color, that we
13 have to ensure we are not criminalizing people for
14 having friendship and family members in certain zip
15 codes wearing certain colors or posing in pictures
16 with people from your block and posting them
17 Facebook, there has to be some external oversight
18 about who goes into this database and who comes out
19 and why. There has to be some discussion about what
20 is a good reason to label someone a gang member. I
21 believe that this bill is a good place to start. I
22 think we need to give our young people a chance to
23 choose a different life, and we need to give them
24 some due process, a chance to clear their name when
25 they are incorrectly suspected of gang involvement.

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2 Our hearing last fall was the beginning of the
3 conversation about how we police gangs. This bill is
4 the beginning of the conversation about what we at
5 the Council are obligated to do to make sure that
6 these law enforcement tactics do not perpetuate the
7 criminalization of black and brown folks. There are
8 certainly other issues with the Gang Database that
9 I've alluded to that may warrant further legislation,
10 but for today I look forward to having a robust
11 discussion about how we can use notifications to
12 minors and their parents as a tool to communicate to
13 these young people that we are concerned about the
14 choices that they are making. We should be focusing
15 on getting them back on track, rather than sitting
16 back and waiting for them to make a mistake that will
17 land them in prison because we—because we can and we
18 must do better than that. So, with that, I don't see
19 any other sponsors here of these bills. So, we will
20 go to our first panel, and I want to welcome NYPD
21 Executive Director Oleg Chernyavsky. Still learning
22 that, and Assistant Chief James Essig from the NYPD.
23 So, I want to thank you for being here and you may
24 begin your testimony.

25

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2 LEGAL COUNSEL: Do you affirm to tell the
3 truth, the whole truth and nothing but and answer all
4 questions to the best of your ability?

5 OLEG CHERNYAVSKY: Yes. [pause] [coughs]
6 Good after-good afternoon, Chair Richards and members
7 of the Council. I am Oleg Chernyavsky, Executive
8 Director of Legislative Affairs for the NYPD. I'm
9 joined here by Assistant Chief James Essig of the
10 NYPD's Detective Bureau. On behalf of Police
11 Commissioner James O'Neill, I wish to thank the
12 Council for the opportunity to comment on the bills
13 being heard today. We see everyday how neighborhood
14 policing translate to building trust and solidifying
15 relationships between the police and the communities
16 we serve. These collaborative efforts between the
17 NYPD and those that live in, work in, and visit New
18 York City make the city a better place, a safer
19 place. However, we must never forget that first and
20 foremost the mission of the NYPD is to fight crime.
21 We have driven crime to historic low-lows, while at
22 the same time reducing the enforcement to levels
23 rarely if ever seen in big cities. Neighborhood
24 policing has transformed how we fight crime by
25 partnering with those we serve, allowing us to share

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2 information and more effective solve cases, and
3 precisely deploy our resources. We know that a small
4 fraction of our population commit a large portion of
5 the crime in this city. This is why precision
6 policing focuses on finding and arresting the few who
7 weaken the fabric of our neighborhoods through
8 violence and intimidation. Criminal groups operating
9 on our streets are the drivers of a significant
10 portion of the violence and drug trafficking in our
11 city. These criminal groups be they large organized
12 groups of smaller crews hold pockets of our city
13 hostage terrorizing law abiding citizens who live
14 under a constant cloud of fear, fear of stray
15 bullets, fear of getting robbed, fear that their
16 children will fall under this spell and fall victim
17 to the violence they inflict on one another. Today,
18 more and more of the violent crime stems from these
19 crews. They—they are often specific to a
20 neighborhood, a block or even a single building in a
21 housing development. These crews present unique
22 challenges to law enforcement because they lack—their
23 lack of a defined structure makes it difficult to
24 predict their activities or document their
25 associations, but they remain at as dangerous as

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2 their larger more structured counterparts. Our long-

3 term criminal group investigations are the very

4 definition of precision policing, and their

5 usefulness cannot be overstated. The results speak

6 for themselves. When we do large takedowns,

7 shootings drop precipally-precipitously. A takedown

8 of three crews in the 26 Precinct resulted in a 50%

9 drop in shootings of the next three years. In the

10 100 and 101st Precinct, shootings dropped 41% in the

11 18 months following a major gang takedown. This is no

12 accident. None of this would be possible without our

13 ability to gather information on the structures and

14 memberships of these groups. To dismantle a criminal

15 organization, we must understand that size and scope,

16 who its member are, and what crimes the members are-

17 have committed. What was once stored in file

18 cabinets, on index cards and on displace boards is

19 now compiled in the NYPD's Criminal Group Database

20 collecting data on members of criminal organizations

21 is nothing new, and we must adapt the times-to-to the

22 times, and the technology available to us. However,

23 our responsibility is to ensure that everyone is-that

24 every one who is in the database is actually

25 affiliated with a criminal group. In this era of

1 COMMITTEE ON PUBLIC SAFETY 13

2 precision policing the database saturated with
3 individuals with no criminal group affiliation would
4 severely limit its usefulness. Let me be clear about
5 what the database is, and what it is not. It is a
6 diligently maintained picture of the existing active
7 universe of criminal groups and their membership that
8 are operating in this city. We have established
9 safeguards to ensure that those unaffiliated with a
10 criminal group are ensnared into the database.
11 Likewise, these safeguards ensure that those that
12 choose to leave the gang lifestyle are removed from
13 the database. The numbers back this up. 90.6% of
14 our gang members have been arrested for at least one
15 felony; 75.6% have been arrested for at least one
16 index crime; 50.8% have been arrested for at least
17 one robbery. In fact, the average person in the
18 database has been arrested 11.7 times. Six hundred
19 and 86 of our gang members have been arrested for
20 murder and the individuals residing in the database
21 collectively are responsible for over 19,100
22 robberies. Already this year, they have been
23 arrested for approximately 3,219 felonies. Our
24 active gang members have been involved in over 4,600
25 shootings or homicides on either side of the gun.

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2 More than 2,500 of our gang members have been shot at
3 least once. There are rigid safeguards to-for
4 inclusion and the multi-tiered review system before
5 someone is included in the database. Mere suspicion
6 or hearsay will not land anyone in the database.
7 This structure creates oversight to ensure that
8 multiple investigators who have actual gang expertise
9 agree that a person should be included. This review
10 is also ongoing after entry to make sure that gang
11 members who are no longer in the life are removed.
12 Each person in the database is reviewed every three
13 years as well as on their 23rd and 28th birthdays to
14 determine if their actions and records still warrant
15 their inclusion. Additionally, the department has a
16 mechanism for self-initiated review at any time.
17 Inclusion in the database is not evidence of a crime.
18 It is a lead. Being in the database alone is not
19 grounds for a stop and arrest or any other
20 enforcement action. It is not made public, and does
21 not affect the public standing or reputations of the
22 people included since it can only be accessed by NYPD
23 personnel. It does not show-show up in a person's
24 criminal history or rap sheet when that person is
25 fingerprinted. Information is not with NYCHA or-or

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2 employers conducting background checks or educational

3 institutions, and the database does share this

4 information with Immigration and Customs Enforcement.

5 New York State does not permit civil gang injunctions

6 such as those routinely utilized in California.

7 Unlike any states, New York does not have the

8 sentencing enhancement for gang members. Finally,

9 New York does not have a statute that makes it

10 illegal merely to be in a gang. A person's presence

11 in the NYPD Criminal Group Database simply does not

12 have the collateral consequences seen in other

13 jurisdictions. I would now like to address various

14 pieces of legislation being heard today.

15 Preconsidered Intro T218-2223 would require the NYPD

16 to notify minors under 18 of their in the Criminal

17 Group Database unless doing so would impede and

18 ongoing investigation, and give them enough—an avenue

19 to appeal their inclusion. The department

20 respectfully opposes this legislation to the extent

21 it requires disclosure of investi--investigatory

22 inves-information. As I explained earlier in my

23 testimony, safeguards against the release and

24 inclusion are already in place. Although this bill

25 acknowledges that providing notifications to

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2 individuals in the database would impede

3 investigations, and seeks to avoid this result, the

4 bill would nevertheless accomplish just that.

5 Including a qualifying individual in the database is

6 a lead in an investigation, nothing more, nothing

7 less. It would make no sense to divulge intelligence

8 gathered during the course of an ongoing short-time

9 or long-term investigation. Sending a letter to

10 anyone in the database would not only alert them that

11 they are the subject of an investigation, but would

12 alert their criminal group that we are aware of its

13 existence and potentially the identities of its

14 membership. The department shares the goal with the

15 bill's spon-of the bill's sponsor, which is to

16 dissuade youth from following the wrong path in life.

17 This is why the department has both spearheaded and

18 partnered with stakeholders on a variety of youth

19 program to achieve just that goal. Programs such as

20 the Summer Youth Police Academy with over 2,000

21 participants between the age of 10 and 15, the Youth

22 Leadership Council aimed at high school students ages

23 14 to 20 years old. The Law Enforcement Explores

24 Program with over 2,000 participants between the ages

25 of 14 and 20, the Summer Youth Employment Program,

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2 which provides summer jobs to 300 youth citywide

3 between the ages of 14 and 24, the My School Has

4 Rhythm Not Violence Program, which has 720

5 participants between the ages of 14 and 20 since

6 2015. The PIL Cops and Kids Sports League, which

7 provides recreational spaces and summer and after

8 school programs for youth throughout the city. A

9 variety of presentations, outreach and forums

10 through-out throughout each year by police officers on

11 subjects such as bullying, drugs, gang prevention,

12 Internet safety, personal safety, stranger danger and

13 teen dating violence to name just a few. The Police

14 Commissioner for Day essay contest for high school

15 students, and opening this fall in 2019, our Youth

16 Community Center located at 127 Pennsylvania Avenue,

17 which will serve as safe haven for youth between the

18 ages of 14 and 19 years old, and provide a series of

19 workshops encompassing educational, social and

20 recreational resources. This is not an exhausted

21 list. Utilizing technology such as Criminal Group

22 Database is vital to keeping the city safe. It helps

23 the department connect the dots after a crime is

24 committed, and anticipate retaliatory acts before

25 they occur. However, in the modern world, technology

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2 both-technology works both for and against this.

3 Turing to the other proposals before the committee,

4 the threat that ghost guns and 3D guns pose to our

5 ability to fight crime cannot be overstated. These

6 are guns that do not contain a serial number and

7 cannot be traced. The parts and instructions to make

8 these guns are readily available online and are legal

9 to purchase. Few states have acted-few states have

10 acted to ban the sale and possessions of these

11 dangerous weapons, and the recently introduced

12 federal bill to do so has languished in committee.

13 Intro 1553 would make it a crime to possess the

14 unfinished receiver of a firearm without a serial

15 number. We have all witnessed the steep decline in

16 the number of shootings and murders that occur in the

17 city. These achievements are due in no small part to

18 this state's strict gun laws and law enforcement's

19 ability to trace illegal firearms and legal firearms

20 used for illegal ends. Allowing untraceable firearms

21 and component parts to enter the stream of commerce

22 will promote their use, and at that same time stymy

23 law enforcement's ability to effectively trace such

24 weapons used during the course of a crime. The

25 department support this proposal and looks forward to

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2 working with its sponsors to ensure the final version

3 is legally sound. Intro 1548 would require the NYPD

4 to report on the number of 3D printed guns and ghost

5 guns seized. The database supports the goal of

6 greater transparency and believes this proposal is

7 consistent with such a goal. I will next—I will turn

8 next to Intro 1244. The #Me, Too Ella has helped us

9 all become cognizant of threats to women's ability to

10 feel safe and feel-and free from violence and

11 harassment, which may have previously been swept

12 under the rug. Unfortunately, technology—

13 technological advances have given sexual predators

14 another tool to target—[cell phone chiming] Excuse

15 me. [pause] Unfortunately, technology—technological

16 advances have given sexual predators another tool to

17 target unsuspecting victims. The ability of these

18 nefarious individuals to air-drop pictures or videos

19 of a sexual nature into innocent people's phones is

20 the latest technique being employed to intentionally

21 harass, annoy, alarm and intimidate their victims.

22 Intro 1244 would make such despicable activity a

23 crime and provide the database with an enforcement

24 tool to bring such criminals to justice before they

25 strike again. The department supports this

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20

2 legislation. Intro 635 would prohibit transporting a
3 person in custody for the purpose of allowing the
4 person to be photographed and filmed for the benefit of
5 the media known as a perp walk. The department
6 transports individuals in a manner consistent with
7 applicable law and in the normal course of duty with
8 the primary being to facilitate a safe transfer.
9 Many department facilities have one primary avenue of
10 ingress and egress. Other facilities like our Sex
11 Crimes facilities are purposely designed to ensure
12 victims and perpetrators do not use the same entrance
13 or exit, thereby ensuring that a perpetrator always
14 uses the same path. The presence of media at these
15 entry and exit points would effectively subject
16 officers and detectives to allegations of violating
17 this bill should it become law if they simply use a
18 particular door. The department is constrained to
19 oppose this legislation not based on its intent,
20 which is consistent with current department
21 practices, but with its foreseeable impact on routine
22 prisoner transports, which will need to be altered
23 based on the presence of a video camera in close-in
24 close proximity to a police facility over which the
25 department has no control. Finally, Intro 567 would

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2 require the NYPD to establish purchase exchange
3 locations at a precinct—at a precinct house or some
4 other public location within the precinct boundaries,
5 which must be monitored by humans, presumably
6 officers or a video surveillance. While the
7 department supports the goal of this legislation, we
8 oppose this bill as currently written. Many of our
9 facilities are over 50 years old, and are limited for
10 space. The department must balance this limited
11 space with the operational needs of a police
12 facility, which includes the safe movement and intake
13 of prisoners, the need to protect the identity of
14 and-and interview crime victims and witnesses, the
15 ability to allow complainants to file reports, the
16 ability of members of the public who require police
17 services to request such services, and the need to
18 turn out police officers to patrol our streets, and
19 we appreciate need for a safe environment within
20 which to conduct commercial transactions. We would
21 support an educational campaign aimed at creating
22 public awareness with respect to this type—to these
23 type of locations where these transactions could take
24 place, but as drafted, this bill would not be
25 operationally feasible for the department. Thank you

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2 for the opportunity to speak about these important
3 issues and we look forward to answering any questions
4 you may have

5 CHAIRPERSON RICHARDS: Thank you, Oleg
6 and I want to recognize my colleagues. We're joined
7 by Powers, Brannan, Rodriguez, Borelli and Miller,
8 and I'm going to go first Council Member Borelli who
9 has a statement and then I will go to Council Member
10 Miller for a statement as well.

11 COUNCIL MEMBER BORELLI: Thank you, Mr.
12 Chair, and thank you for co-sponsoring Intro-Intro
13 1244. Now, just a brief note. Council Member Powers
14 advised me not to do this, but I'm going to do it
15 anyway, and I'm just going to start AirDropping a
16 little note to several people in this room with
17 services that they did, but there's seven of you now
18 within a range of my AirDrop that have your settings
19 on to the point where you can accept and see any
20 images that I send you. Don't-don't get too excited.
21 It's only a cover sheet of today's hearing. The
22 problem is that this is not being use to send City
23 Council cover sheets. Often times this is being done
24 on subways, in trains, in airplanes and restaurants
25 to send nude and harassing images that some of us,

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2 namely me, I prefer would not see or my wife sees or
3 my children sees, and up until this point, there is
4 no effective crime charge people with this—with-with
5 this—what we all can define as a crime, but there is
6 no actual statutory prohibition against this. So,
7 this bill is important because it will set up a way
8 that law enforcement can actually enforce the kinds
9 of quality of life harassment, and offensive
10 behaviors that we all too often see. In my day you
11 had to have really fast running shoes if you wanted
12 to be pervert, but now unfortunately through social
13 media and through phones and through technology it's
14 much easier. So, I'm glad the Council is addressing
15 this, and thank you very much, Chair for co-
16 sponsoring and hearing the bill.

17 CHAIRPERSON RICHARDS: Thank you. We'll
18 go to Council Member Miller.

19 COUNCIL MEMBER MILLER: Okay.

20 CHAIRPERSON RICHARDS: Well, I'd love to
21 get your picture, by the way. Thank you.

22 COUNCIL MEMBER MILLER: Thank you, Chair
23 Richards. New York City is a national leader in gun
24 violence prevention, and the City Council has been at
25 the forefront of such efforts, locally partnership

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2 with the Mayor's Office to Prevent Gun Violence, and
3 Community groups such as those that make up the
4 Crisis Management System, and the Violence
5 Interrupters. The city will surrender its leadership
6 role—will not surrender its leadership role on the
7 issues—on these issues, and through legislation that
8 will be heard today we are taking proactive steps to
9 prevent potential for violence for violence and
10 resulting of the use of ghost guns. Ghost guns and
11 its 3D-printed guns, can be purchased or their
12 designs downloaded without background checks or
13 unregistered, and virtually untraceable to law
14 enforcement. While Congress and the State
15 Legislators continue to debate the issues of Ghost--
16 ghost guns, the City Council will take actions now.
17 Along with my partner on the legislation Helen
18 Rosenthal and the leadership of Chair Richard, I'm
19 sponsoring Intro 1548, which would both for ghost
20 guns and 3D prints to the NY—cause the NYPD's
21 quarterly firearm seizure requirements. Currently,
22 department reporting only includes three types of
23 firearms classifications: Pistols, rifles and
24 shotguns. This report must be updated to reflect the
25 new reality and threat posed by the proliferation of

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2 ghost guns. Additionally, I'm sponsoring 966, which
3 calls for the federal-Reso 866, which calls for the
4 federal-federal government to enact 3D Firearm
5 Prohibition Act to prohibit the sales, acquisition,
6 distribution or import of these firearms parts in
7 kits, the marketing of such kits, and would require
8 homemade firearms to have serial numbers. No one
9 should have unrestricted access to do-it-yourself
10 kits, and equipment designed to make and assemble
11 weapons of war such as rifles semi-automatic
12 handguns, but while we continue to go-to continue to
13 go unregulated in most of America, they will be
14 illegal here in New York City. Recent arrests in New
15 Jersey showed that underground market for these 21st
16 Century weapons exists, and they are legal loopholes
17 that have been exposed by fun runners and drug
18 traffickers. It's only a matter of time before such
19 activity comes to our streets here in New York City.
20 We must give law enforcement the tools that they need
21 to arrest gun owners such as those who confiscate
22 their weapons determine the availability of ghost
23 guns here in New York City. Again, I want to thank
24 Chair Richards for his leadership, and Council Member

25

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2 Rosenthal and, of course, Speaker Johnson for getting
3 this—hearing us today. Thank you, Chair.

4 CHAIRPERSON RICHARDS: Thank you, thank
5 you and we're going to go to questions.

6 OLEG CHERNYAVSKY: And statements.

7 CHAIRPERSON RICHARDS: Okay. We'll start
8 Oleg with as of last September around 1,400 of the
9 17,000 individuals in the criminal group database
10 were under 18. That's about 8.5%. Has that
11 percentage significantly since our last hearing, and
12 are there still—where are—where are—what are the
13 numbers now? Have the numbers gone up in the
14 database? Can you just give an overview or where
15 we're at?

16 OLEG CHERNYAVSKY: Sure. So, in terms of
17 percentage of individuals, the—the total number of
18 active gang—criminal group members are just over
19 18,000, 18,084, the percentage of individuals that
20 are under 18 is 2.7%.

21 CHAIRPERSON RICHARDS: So, the numbers
22 have gone up--

23 OLEG CHERNYAVSKY: Well, I--

24 CHAIRPERSON RICHARDS: --in the last
25 year?

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2 OLEG CHERNYAVSKY: I think--

3 CHAIRPERSON RICHARDS: In September's
4 hearing I think we were at a total of 17,000
5 individuals. So--

6 OLEG CHERNYAVSKY: Yeah, so, and I think
7 that it's worth mentioning that if we take a look at--
8 0--we'll take a snapshot of 2018, and take a look at
9 how many individuals were added, how many individuals
10 were removed to give some context. Criminal group
11 members added in 2018 were 2,475, criminal group
12 members removed in 2018 was 2,125. So, there was--I
13 think the difference is about 350 individuals, but it
14 shows that our review process, and I just want to
15 highlight that. We have auto triggers and self-
16 initiated triggers for review. So, the automatic
17 triggers to review somebody for exclusion for removal
18 from the database is their 23rd Birthday, their 28th
19 Birthday, and every three years. So, for argument's
20 sake if I put you into the database on January 1st of
21 2015, you will come up automatically for review on
22 January 1st of 2018 irrespective of your birthday or
23 not. In addition to that, there is a self-initiated
24 review process. So, if our criminal group, our gang
25 experts determine based on their investigations that

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2 somebody in the database has left the life, for lack
3 of a better term, they can initiate their removal
4 without waiting for the automatic benchmarks of three
5 years and the birthdays.

6 CHAIRPERSON RICHARDS: Can you break down
7 the age groups of the individuals, their percentage
8 age under 18 especially?

9 OLEG CHERNYAVSKY: So, right, so, we
10 have--

11 CHIEF ESSIG: [off mic] You want me to do
12 it? (sic)

13 OLEG CHERNYAVSKY: Yeah, sure, go ahead
14 Chief.

15 CHIEF ESSIG: Thank you. Out of the
16 18,000 prisoners (sic) 494 are under the age of 18,
17 266 is 17, 145 are 16, 61 are 15, and 19--

18 CHAIRPERSON RICHARDS: Go up a little
19 bit. Yes, so under at 17 it's 2 okay--.

20 CHIEF ESSIG: Yeah, it's about 2.7% under
21 17.

22 CHAIRPERSON RICHARDS: Now, and we need
23 an example here. (sic)

24 CHIEF ESSIG: Under 18. I'm sorry.

25 CHAIRPERSON RICHARDS: So under 18?

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2 CHIEF ESSIG: Is 2.7%.

3 CHAIRPERSON RICHARDS: Right, the
4 breakdown of the numbers?

5 CHIEF ESSIG: By percentage, 17 are--

6 CHAIRPERSON RICHARDS: [interposing] No,
7 no, give me, give me exact numbers--

8 CHIEF ESSIG: Our-our numbers--

9 CHAIRPERSON RICHARDS: --how many people
10 are in there?

11 CHIEF ESSIG: Alright, 17, 266.

12 CHAIRPERSON RICHARDS: Uh-hm.

13 CHIEF ESSIG: 15, 145.

14 CHAIRPERSON RICHARDS: Uh-hm.

15 CHIEF ESSIG: 15, 61.

16 CHAIRPERSON RICHARDS: Uh-hm.

17 CHIEF ESSIG: 14, 19 and 13, 3.

18 CHAIRPERSON RICHARDS: And it seems like
19 and just give me the breakdowns since the last
20 hearing. So, September how many-of last year when we
21 had the original database hearing, what were the
22 number then?

23 OLEG CHERNYAVSKY: I don't-I mean I think
24 we entered that into the record. I didn't bring last
25 year's--

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2 CHAIRPERSON RICHARDS: But it seems an
3 increase of where we were.

4 OLEG CHERNYAVSKY: There—yeah, I think
5 the—the overall increase is correct. It's a slight
6 increase of it looks like about 350 individuals. We
7 removed. Hold on. We removed 2,125, but added 2,475.
8 So, unless my math is off, I think we have a net gain
9 of 350.

10 CHAIRPERSON RICHARDS: So, the total
11 number is how many in the database?

12 OLEG CHERNYAVSKY: Total number in the
13 database is 18,084.

14 CHAIRPERSON RICHARDS: And how many under
15 18?

16 OLEG CHERNYAVSKY: Under 18—

17 CHIEF ESSIG: That would be 494.

18 CHAIRPERSON RICHARDS: 494 and can you
19 just through—so how do you determine which groups to
20 track? In other words, what makes a group of people
21 into a gang that the department needs to pay
22 attention to, and starts entering into the database?

23 CHIEF ESSIG: Most of these gangs they
24 self-identify, criminal street groups involved in
25 narcotics, involved in street robberies, involved in

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2 violence. So, in any sort of violence. Some of them
3 are involved in frauds, credit card frauds. They
4 self-identify as a gang. So whether you're dealing
5 narcotics or a local gang that's identified by
6 territory that's how we identify them.

7 CHAIRPERSON RICHARDS: Right, and so you
8 posit each and every person in this database as a
9 gang member? Can you say on the record that every
10 person entered into this database are you confident
11 that each and every one of them are are--

12 OLEG CHERNYAVSKY: [interposing] Yes.
13 So, I mean I think that's what the safeguards are
14 there for, right? So, if we have to remove close to
15 2,200 just, over 2,100 in a year, it show that we're
16 actively looking at it. Now the criteria and--and how
17 does somebody come in, right? You need to be
18 recommended. So you need to show certain criteria,
19 right and then the--with the presence of that criteria
20 you can--you can be recommended by a street cop,
21 right. You could be recommended by a field
22 intelligence officer that has an expertise in--in
23 gangs, or you could be--you could be recommended by a
24 Gang Unit investigator. Once you're recommended,
25 there is still a review process. You have to make

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2 sure the criteria that are being met. Otherwise, the
3 system won't even allow you to enter the person into
4 the database, and then you need—it needs to be
5 approved, the recommendation needs to be approved by
6 the gang captain of a particular borough who has an
7 even heightened—he's the executive of the borough in
8 gang activity. So, those are the benchmarks that you
9 need to accomplish to really get in, and then you
10 start—there are other benchmarks that gets you out.

11 CHAIRPERSON RICHARDS: So, give me—give
12 me—just give me an example of what criteria looks
13 like.

14 OLEG CHERNYAVSKY: Okay, yeah things like
15 voluntary admission during the course of an
16 investigation to independent law enforcement sources
17 determine that you are in a gang. This is during the
18 course of their investigation. It's not somebody
19 merely in the street that are saying I know he or
20 she's a gang member. You have things like—and the—I
21 mean those are some of the on social media indicators
22 indicating membership. You have other things that
23 that those are criteria that as long as you have one
24 of those, you can get recommended. Then there is
25 another way to go through it, which is if you have

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2 two of—whether it's a known gang related documents,
3 association with group members, social media accounts
4 with group members, scars with tattoos, you know,
5 with gang colors, gang signs. So, it's the presence
6 of multiple of those factors plus the recommendation
7 of the gang investigative expert plus the approval of
8 a gang—a gang expert executive.

9 CHAIRPERSON RICHARDS: And we actually
10 pulled the numbers. So, it looks like 1,400 minors
11 were in the database last year. So, it seems like
12 you've made some progress in decreasing the numbers.
13 Is there are specific targeted, targeted initiative
14 to ensure teens are being taken out of the database
15 since you went from 1,700 to 494 it looks like?

16 OLEG CHERNYAVSKY: Yeah, I mean I'll say
17 absolutely we wanted--

18 CHAIRPERSON RICHARDS: [interposing] Then
19 why did you--?

20 OLEG CHERNYAVSKY: --to take a—I really
21 didn't draw the comparison--

22 CHAIRPERSON RICHARDS: Okay.

23 OLEG CHERNYAVSKY: --so I don't want to—I
24 don't want to say that, but I—I support the numbers
25 that you've--

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2 CHAIRPERSON RICHARDS: Right.

3 OLEG CHERNYAVSKY: --put forward as ones
4 that--

5 CHAIRPERSON RICHARDS: [interposing] We
6 pull them from the records.

7 OLEG CHERNYAVSKY: Yes.

8 CHAIRPERSON RICHARDS: So, so the point is
9 you pulled over 2,000 individuals in a--a little bit.
10 I guess edging towards a year. Tell me about why
11 those individuals, and I guess you can't go into
12 specific case, but why--how did you get such a drastic
13 decrease? Would you say that a lot of them may not
14 have belonged it-

15 OLEG CHERNYAVSKY: No.

16 CHAIRPERSON RICHARDS: --or what--what led
17 you to such a steep decline--

18 OLEG CHERNYAVSKY: I--I wouldn't say that
19 at all so--

20 CHAIRPERSON RICHARDS: --disruption (sic)
21 so fast?

22 OLEG CHERNYAVSKY: I think what we said
23 even at the last hearing if my memory serves me right
24 is we set benchmarks and criteria for removal. A
25 database that only has us putting people into it and

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2 it grows larger and larger, is useless as an

3 investigative tool. If you have people that are not

4 long in the gang lifestyle or left for—for any

5 reason, to have then in the database only convolutes

6 an investigation. It's—it's—it wouldn't help us. So

7 the idea is to be vigilant in reviewing who's in

8 there, be vigilant in establishing strict criteria

9 for getting entered in the first place so you have a

10 database that's lean, that you can go to. So, if you

11 have a gang related shooting, we can take a look and

12 say okay, we know the shooter is from this gang. Who

13 else is in that gang? We can see who is the victim.

14 Is the victim in the gang? Who else is in that gang

15 that's going to potentially seek retribution against

16 one of the shooter's gang members or—or—so, that—

17 that's the usefulness. You're—I mean just to say that

18 oh, it's gang gun/gang violence, and it's not an

19 uninvolved civilian, doesn't make us feel better, you

20 know, going home. We want to stop the violence. The

21 fact that a gang member is getting killed, that's

22 still a homicide, that's still a person getting

23 killed. If we—if we could prevent that, if we could

24 interdict in the right place, and identify who the

25 universe of potential victims could be or potential

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2 shooters, that's what the gang-Gang Database is or
3 the criminal group database is all about.

4 CHAIRPERSON RICHARDS: And I guess my
5 concern is in these that were an association, right
6 because if you live let's say public housing in New
7 York City or you come from a specific neighborhood,
8 you know, you may walk to school with people who are
9 affiliated, would you be entered into this database?

10 OLEG CHERNYAVSKY: No. So, I-that's--

11 CHAIRPERSON RICHARDS: [interposing] So,
12 if you-so if you-so if you-so when you say
13 association, just-just go a little deeper into that
14 because, you know, I went to Jamaica High School, and
15 there were a lot of affiliated individuals from my
16 specific neighborhood. By the grace of God, my
17 parents were able to-when they saw me going a
18 different path, you know, moved me out, but what I
19 have been entered into a database if the guys, if I
20 walked to school with the guys on my block and came
21 home and, you know, walked to the bus stop on Jamaica
22 Avenue with them would I be considered to be put into
23 this database because I would be considered
24 affiliated although I'm not necessarily in the gang?

25 OLEG CHERNYAVSKY: No, so and-and the--

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2 CHAIRPERSON RICHARDS: And do you—how do
3 you ensure that doesn't happen as this way?

4 OLEG CHERNYAVSKY: Well, that's—that's—
5 that's actually that's the criteria, right. So, if
6 all you have is an affiliation and an association,
7 that in itself will not get you in the database.
8 That won't even get you recommended for being put in
9 the database. So, if all you have is—

10 CHAIRPERSON RICHARDS: [interposing] So,
11 just—just to stop you. So, you said you have—who
12 oversees? You have a Gang Unit. So, if they saw me
13 walking to school with individuals, that person
14 wouldn't consider me—I'm not saying I'm in the gang,
15 but I would not be put into this database for that
16 reason is what you're saying? Or would I have—what—
17 what—what is the threshold for being put into the
18 database?

19 OLEG CHERNYAVSKY: So, the threshold is
20 when you're talking about association with a known
21 gang, right, that in itself would not get you into
22 the database. You have to have other factors
23 present. Let's say you have a gang tattoo. You're—
24 you're associated plus you have a gang tattoo.

25

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2 CHAIRPERSON RICHARDS: What are the gang
3 tattoos? Would have to have Crips written on me or--

4 OLEG CHERNYAVSKY: Oh, I-I-mean, look I
5 think--think we-we would--we would--

6 CHAIRPERSON RICHARDS: [interposing] A
7 lot of people have tattoos.

8 OLEG CHERNYAVSKY: --we would agree that--
9 I-I would hope we would agree that--

10 CHAIRPERSON RICHARDS: Okay.

11 OLEG CHERNYAVSKY: --if, you know, we
12 have a gang unit whose sole purpose is to track gangs
13 and criminal groups that are terrorizing this city,
14 and they through their intelligence gathering,
15 through their investigations, they know what tags or
16 gang tags are, spray painting on buildings to mark
17 territory. They know what tats--identifying tattoos
18 are. I mean that's intelligence that they gather. If
19 tats--if these tattoos come about, that's intelligence
20 that's going to lead us to recognize the fact that a
21 particular gang has a new tattoo. So, I mean these
22 are all investigative leads that we determine. If
23 you have a tattoo that says I love mom, I don't
24 you're--that's going to be a--that's going to enter you
25 into a database

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2 CHAIRPERSON RICHARDS: 99% of individuals
3 still in this database are black and Latino? I think
4 that you reported that last year. Can you give me
5 the percentage?

6 OLEG CHERNYAVSKY: Sure.

7 CHAIRPERSON RICHARDS: And is that still
8 true today.

9 OLEG CHERNYAVSKY: Here.

10 CHIEF ESSIG: The percentages: American-
11 Indian, Alaskan Native, there's 4 persons, 0% are-

12 CHAIRPERSON RICHARDS: Say that again
13 slow. Yeah, you talk fast.

14 CHIEF ESSIG: I'm sorry.

15 CHAIRPERSON RICHARDS: Okay, thank you.

16 CHIEF ESSIG: American Indian is 0%;,
17 Asian Pacific Islander is .5%; Black 66%, Black
18 Hispanic, 9.3%; White, 1.1%; White Hispanic, 22.4%.

19 CHAIRPERSON RICHARDS: [pause] So, 66%,
20 Black, White, 1.1%. So, 98% and a half communities of
21 color, and we're positive that only-there are only
22 1.1% white people in gangs in New York City.

23 OLEG CHERNYAVSKY: So, I-I mean I think
24 that's-that's misleading. So, let me-let's address-
25 let's address this head on. The NYPD does not

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2 control the recruitments for criminal groups. Now,
3 if the council Member wants to hold a hearing about
4 diversity in recruitment efforts, you know, in these
5 groups, we'll be in the audience taking notes, but
6 realistically, we find these groups as-as the come.
7 Now if you take a look at traditional organized
8 crime, right, things that we all watch movies about,
9 those if you take a look at our-our intel on those
10 particular groups and organizations, they would be
11 disproportionately, if not exclusively white, and
12 don't control their recruitment efforts either.
13 These are investigative leads. So, the way that a
14 particular criminal group chooses to do that
15 recruitment we will take those leads as they come
16 into us. If we're looking at a particular group and
17 that group decided to recruit exclusively or
18 predominately young men of color, that's-our
19 intelligence or our gathering is going to reflect
20 that. There's really not much control we have over
21 that.

22 CHAIRPERSON RICHARDS: But I guess the
23 concern would be that certain communities are
24 surveilled more than other communities. So, if
25 there's a heavy emphasis on black and brown

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2 communities getting surveilled we may be at whole
3 lot. Are the Proud Boys in this Gang Database? Are
4 they considered a gang?

5 OLEG CHERNYAVSKY: I'll—I can confirm
6 that for you. I don't—I'm not 100% sure. They very
7 well may be. I'm not--

8 CHAIRPERSON RICHARDS: For an answer, I
9 think they're a gang.

10 OLEG CHERNYAVSKY: Well, no they're—I can
11 double check.

12 CHAIRPERSON RICHARDS: Yes.

13 OLEG CHERNYAVSKY: We—I'm not going to
14 say yes or no, but I—I—let me double check and I'll
15 let you know.

16 CHAIRPERSON RICHARDS: So, were white
17 supremacists to wreak havoc—wreak havoc on our—wreak
18 havoc on our streets, would they be put in this
19 database?

20 OLEG CHERNYAVSKY: Sure.

21 CHAIRPERSON RICHARDS: But you're not
22 positive of this, obviously.

23 OLEG CHERNYAVSKY: I'm—I'm double—I mean
24 I mean I don't want to—so you—you mentioned the
25

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2 particular group. I-I want to make sure before I
3 answer under oath that the answer is correct.

4 CHAIRPERSON RICHARDS: [interposing] Did
5 you-right, so with-so with organized crime units,
6 prime (sic) people be considered again.

7 OLEG CHERNYAVSKY: So, so that's-they
8 are. So, here's the difference. Yes, it's a it's a
9 yes and no, and this is-it's a yes in terms of it's a
10 criminal group. in terms of inclusion into the local
11 database, it is a no, and there's a good reason for
12 that. So, if you take a look at traditional
13 organized crime, they operate across state and
14 international borders. Those investigations are
15 predominantly if not almost exclusively done as part
16 of the joint venture with the federal government, and
17 they are stored separately in-in a-in a different
18 method. The Criminal Group Database, is more a
19 tracking mechanism for local street groups. Now, to
20 the extent that it's a White local street group or a
21 Black and Hispanic local street group, they're going
22 to find themselves in the Local Street Group Database
23 because those are almost exclusively NYPD led
24 investigations. These are NYPD leads. They don't
25 cross state or international borders. So, that's why

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2 if—and that was my earlier point, if what you're
3 going to do is take a look at for example, you know,
4 how track these traditional organized groups, what
5 you're going to find is predominantly, if not
6 exclusively White.

7 CHAIRPERSON RICHARDS: Okay, the
8 Organized Crime Database?

9 OLEG CHERNYAVSKY: Yes, there's a—there's
10 tracking mechanisms for traditional--

11 CHAIRPERSON RICHARDS: It's called the
12 Organized Crime Database?

13 OLEG CHERNYAVSKY: Well, I didn't—I
14 didn't name it so I'm sure that it's called, but I
15 can tell you--

16 CHAIRPERSON RICHARDS: [interposing] And
17 would they do very similar things? I mean define
18 what a gang is? Can you define what it—what it
19 means?

20 OLEG CHERNYAVSKY: [off mic] Do you know
21 what the difference is?

22 CHIEF ESSIG: [off mic] No, I don't have
23 anything.

24 CHAIRPERSON RICHARDS: Do we have a
25 definition of a gang?

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2 OLEG CHERNYAVSKY: So, we have a—I mean
3 we have the —we have the factors that I put on the
4 record for you. That’s what would have somebody
5 identified as a gang member. So I would say it’s a
6 collection of the same criteria that’s—that would you
7 —that would have a particular group designated as a
8 gang.

9 CHAIRPERSON RICHARDS: Okay, well I’m
10 just going to say this, I mean you get my drift that,
11 you know, if you’re—as you said a group of
12 individuals who seem to be committing fraud I think
13 you said, and guns and drugs. I mean I don’t really
14 see much daylight between a gang and peopled in the
15 organized crime necessarily.

16 OLEG CHERNYAVSKY: We don’t—we don’t--

17 CHAIRPERSON RICHARDS: [interposing] I
18 think that they’re gang members, too.

19 OLEG CHERNYAVSKY: Well, we don’t—I just
20 want to clarify, I—I did not say that there is
21 daylight. These are groups committing crimes. I’m
22 just saying the tracking mechanism is different
23 because the nature of the investigations are
24 different. One is local and one is done
25 collaboratively with the federal government because

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2 the crime—the crimes of traditional organized crime
3 are of such a nature that they cross boundaries, and
4 when you cross boundaries you need to pull in the law
5 enforcement entities that are on the other side of
6 that boundary. That that's really the--

7 CHAIRPERSON RICHARDS: [interposing] But
8 I would also say that there—there investigations in
9 NYCHA where there's a lot of collaboration with other
10 entities such as federal feds as well, right.

11 OLEG CHERNYAVSKY: Sure.

12 CHAIRPERSON RICHARDS: You know, in
13 takedown things. So, I don't, you know, I'm just
14 trying to understand how these numbers went from 1.1%
15 White when we know there's a whole—a whole lot more
16 out there, and the move from that, but, you know,
17 what I'm getting at is there's a historical
18 relationship, right and what—I'll key goal is to make
19 sure that there are innocent young black and men who
20 are not being dragged into this database especially
21 teenagers, especially who we should be diverting
22 services to, and doing everything we can possibly do
23 to ensure they're being connected to services so,
24 they're not stigmatized and that if they get in
25 trouble for a minor crime then their case is—their

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2 case is not being padded or they're not being
3 considered a danger to public safety over something
4 or a level--

5 OLEG CHERNYAVSKY: [interposing] So--

6 CHAIRPERSON RICHARDS: --being flagged in
7 that database. Do defense attorneys have access to
8 this database?

9 OLEG CHERNYAVSKY: No. So--no, they don't,
10 and to your point, we're in agreement with you. I--I
11 mean I just want to make sure that you understand
12 there's not daylight in that respect. I mean our
13 opposition to the bill is the fact that we are
14 looking at particular groups, particular individuals
15 to let somebody know that you're leading an
16 investigation and here's a mechanism for you to
17 appeal being the lead in an investigation. That's
18 just incongruent with the ability for us to
19 investigate crime. Now to your point of getting
20 folks, and getting kids on the right path, I listed a
21 variety, and that's not an exhaustive list of
22 programs, and you know because you partnered with us
23 on some of them, programs we do in order to get kids
24 on the right path, in order to get--to make--to ensure
25 that they never enter into a criminal group in the

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2 first place or at least educate them on the dangers
3 if—if they're approached by criminal groups trying to
4 recruit them. So, we're on the same page when it
5 comes—when it comes to interdicting, and trying to
6 get kids on the right path, and I think our actions
7 and our programs reflect that.

8 CHAIRPERSON RICHARDS: Okay, I'm going to
9 go to my colleagues for questions as soon as I can,
10 but I do want to know with these 494 individuals in
11 the current database, what outreach, what services
12 are you directly connecting them to? So, I heard
13 Summer Youth, and that's very vague because some of
14 these individuals may not even be in school. So, you
15 know, we have programs like the Crisis Management
16 System. Has there been a strategic effort made to
17 target these kids, and I don't want a broad
18 interpretation of--

19 OLEG CHERNYAVSKY: Yeah. No, it's—it's—
20 I'm—I'm going to be very direct with you. I—I think
21 that there is an effort made. To the extent that
22 somebody is a lead, and we cannot—we cannot advertise
23 that lead, then I would probably say that outside of
24 a normal outreach and not a specific focused outreach
25 on the individual, but our broader outreach to the

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2 communities then you probably have—that's the—that
3 would be the limitation on the outreach. If you have
4 individuals that we deem that, you know, they can
5 come out of the database or that it would not hamper
6 an investigation, there may very well be a direct
7 outreach at the point of them being removed or even
8 at the point that they would be in there, but again,
9 that decision is going to be based on, you know, our
10 review of the situation and whether or not doing so
11 would compromise a larger investigation.

12 CHAIRPERSON RICHARDS: Right and out of
13 those 20-over 2,000 people that were removed, did you
14 send a notification to them that they're removed? Is
15 there a process for communities or teenagers or their
16 parents to find out if they're in the database, and
17 to be removed or to appeal?

18 OLEG CHERNYAVSKY: Well, no. I think that
19 that's—that's really the point is this is an
20 investigative lead. We're not going to, you know, we
21 never advertise to—to those folks that they were a
22 lead in an investigation, and nor do we in any crime
23 that we investigate we don't tell somebody that's a
24 suspect in an investigation, hey, you're a suspect in
25 an investigation and here's a letter you stopped

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2 being a suspect in an investigation today. It's--
3 that's just not the way investigations are done.

4 CHAIRPERSON RICHARDS: What I wanted to
5 know? How do I find out if I was in the database?

6 OLEG CHERNYAVSKY: Yeah, I mean--

7 CHAIRPERSON RICHARDS: [interposing] Is
8 there a process to do that?

9 OLEG CHERNYAVSKY: No, because that's an
10 investigative lead, and to answer that question would
11 potentially compromise an investigation.

12 CHAIRPERSON RICHARDS: What if I'm not in
13 a gang, and I wanted appeal, I believe that you've
14 entered me into this database because I'm being
15 stopped on the street more often? You know, are
16 teenagers targeted more if they're in this database?

17 OLEG CHERNYAVSKY: No, no.

18 CHAIRPERSON RICHARDS: Are they followed,
19 are they interrogated--

20 OLEG CHERNYAVSKY: No,

21 CHAIRPERSON RICHARDS: --or if there's a
22 shooting would they--would you show up at their doors?

23 OLEG CHERNYAVSKY: I mean if--I--look, I
24 can tell you that if you have a shooting, if you have
25 criminal activity, and it's--they--our intelligence are

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2 all investigative leads and lead us to believe that
3 the shooting was committed by a particular gang and
4 here is the universe of the gang members we're aware
5 of, well certainly--maybe they are going to be
6 approached and spoken to in the context of the
7 investigation. It won't be in the context of, you
8 know, we know that you're in a gang. It could be,
9 you know, if--

10 CHAIRPERSON RICHARDS: [interposing]
11 Would you--but--so, what I'm getting at is parental
12 notification. Would you notify the parent before you
13 had that conversation?

14 OLEG CHERNYAVSKY: Well, well, I think--
15 well, if you're talking--

16 CHAIRPERSON RICHARDS: [interposing]
17 around the--the

18 OLEG CHERNYAVSKY: --if you're talking
19 about a minor--

20 CHAIRPERSON RICHARDS: Yeah, minors.

21 OLEG CHERNYAVSKY: --I mean that--that's--
22 interrogating the minor has--has a protocol for--for
23 interrogating the juvenile, you know. So, those are
24 the protocols that you find.

25

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2 CHAIRPERSON RICHARDS: [interposing] I'm
3 sure that that has not always occurred but I don't go
4 to the incident in Central Park 5, right, to have
5 this conversation? And I'm not saying that this is
6 continuing to happen, but we certainly saw that, you
7 know, in the past. So, are we positive that if these
8 children are being entered into the data base, and
9 you want to interrogate them that their parents are
10 being notified?

11 OLEG CHERNYAVSKY: So, I mean I know
12 attempts are made to notify the parents. I can get
13 you—I'll get you the Patrol Guide Procedure related
14 to interrogation of juveniles, and maybe that will
15 more comprehensively answer your question.

16 CHAIRPERSON RICHARDS: Right, and I say
17 that to say--

18 OLEG CHERNYAVSKY: [interposing] But it's
19 done based on—I wasn't clear. It's done based on the
20 established state law. There's many strains of case—
21 many strains of case law that address the exact topic
22 of juvenile interrogation.

23 CHAIRPERSON RICHARDS: Right.

24

25

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2 OLEG CHERNYAVSKY: That's what's
3 followed, our patrol guide procedure, and our
4 procedures reflect the evolution of case law. So--

5 CHAIRPERSON RICHARDS: Right, and I'm
6 just—I'm going to close on this, and I'll come back
7 around but, you know, I do have concerns with minors
8 be entered into this database, and no parental
9 notification obviously, because these are individuals
10 who possibly can—I'm not saying in all instances be
11 approached on the street because they would be
12 flagged as known gang members. So I think there would
13 be especially for—I'm sure there are sectors that
14 cover certain communities. If you are flagged in
15 this database for just being associated or not even
16 being a gang member, it does intensify and increase
17 the chances that you will be stopped by an officer.

18 OLEG CHERNYAVSKY: That's—that's not
19 true. It's—it's—I'm sorry, but that's—I-I need to
20 correct that.

21 CHAIRPERSON RICHARDS: Right.

22 OLEG CHERNYAVSKY: It's—that's not true.
23 The fact that you're in the gang database, in a
24 criminal group database does not—does not meant that
25 if I see you walking down the street, if a police

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2 officer sees you walking down the street, then he
3 stops you, that's not what it means. It's an
4 investigative lead. If there's a shooting, and we
5 know that a particular criminal group did the
6 shooting or the particular criminal group is going to
7 be retaliated against as a result of the shooting,
8 we're going to know the universe of people that we
9 either (1) need to interview, or (2) need to
10 intervene and protect.

11 CHAIRPERSON RICHARDS: Right.

12 OLEG CHERNYAVSKY: That--that's--

13 CHAIRPERSON RICHARDS: But--but what my
14 concern with that, and once again that's good. We're
15 just making sure that there's parental, you know,
16 notification if you're going to interrogate.
17 Alright, I'm going to go to my colleagues Powers and
18 to Miller. Alright, and we're joined by Council
19 Member Deutsch.

20 COUNCIL MEMBER POWERS: Thank you and
21 thank you for the opportunity to ask questions.
22 Thank you for your testimony. I'm just following up
23 on some of the questions from the Chair. So, one--one
24 question I had is as we're talking about enforcement,
25 is there a way that a patrol officer for instance

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2 would know if there's a gang unit who has accessed
3 this information? Is there a--is there a place where
4 a patrol officer for instance would have access to
5 know, to stop--if the concern is around stopping
6 somebody based on affiliation, is there a--a way that
7 our mechanism in that effort to be able to have that
8 information, and--? [background comments] --in terms
9 of the concern on stops? [background comments]

10 CHIEF ESSIG: Yeah, somebody, somebody at
11 the precinct has access--

12 COUNCIL MEMBER POWERS: Could access it.

13 CHIEF ESSIG: --but they're not going to
14 stop somebody just simply because he's in a database.

15 COUNCIL MEMBER POWERS: Okay. [coughs]
16 The--are there other similar databases where it's an--
17 it's not about necessarily a crime you committed, but
18 about an affiliation, organized crime for instance?

19 OLEG CHERNYAVSKY: Yeah. I mean and
20 that's what we were talking about. They're certainly
21 tracked. I--I mean I'm thinking domestic violence,
22 recidivists,

23 COUNCIL MEMBER POWERS: But those are
24 about you have committed an offense. This one even

25

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2 if someone has a criminal affiliation—has a criminal
3 background.

4 OLEG CHERNYAVSKY: Not, but that's—that's
5 an interest—that's an interesting point is, you know,
6 say for example if you're looking a domestic
7 violence, and we know that there is a, you know,
8 there's a significant number of domestic violence
9 incidents that—where the victim doesn't—doesn't
10 follow through.

11 COUNCIL MEMBER POWERS: So, if they
12 don't, if they don't follow through in terms of
13 personal weighing it like a criminal charging?

14 OLEG CHERNYAVSKY: Right, but we at the
15 same time know that maybe our Domestic Violence
16 Officer should do a home visit. You know, it's—it's—
17 it's a normal occurrence unfortunately for if you
18 have spouses or domestic partners for—for a situation
19 to escalated for the police to be called, and then
20 ultimately the victim doesn't follow through and
21 wants to drop charges. At the same time if we see a
22 pattern of such activity, maybe it would be
23 beneficial for the victim of DV to have a Domestic
24 Violence Officer visit to make sure he ore she are
25 issues—are offered services, you know. So there are—

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2 there are avenues, you know, there are other examples
3 where--

4 COUNCIL MEMBER POWERS: Is there an
5 organized crime database?

6 OLEG CHERNYAVSKY: Yeah, it's—we do that
7 collaboratively with our federal partners just again
8 based on the nature of those investigations crossing
9 state and federal lines, crossing state lines and
10 international lines so--

11 COUNCIL MEMBER POWERS: What in—in terms
12 federal cooperation? Are there—is this—is
13 information from the gang database shared with any
14 federal agencies or federal databases?

15 OLEG CHERNYAVSKY: No, and that's—that's
16 the point. The NYPD has exclusive access to our own
17 database. We don't share access to our database with
18 Immigration or with ICE or—or DAs as you've
19 mentioned.

20 COUNCIL MEMBER POWERS: And no, no
21 federal agency has--

22 OLEG CHERNYAVSKY: Nobody has access to
23 our database other than NYPD.

24 COUNCIL MEMBER POWERS: And I—I assume
25 that if they had a warrant or something like that or

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2 they had an open investigation, they would come to
3 you and ask you for that information.

4 OLEG CHERNYAVSKY: Right, they can come
5 based on the warrant. They—the warrant would not
6 grant them access to the database.

7 COUNCIL MEMBER POWERS: Okay.

8 OLEG CHERNYAVSKY: It would not grant
9 them access to information.

10 COUNCIL MEMBER POWERS: And on the —just
11 back to the point around the DV, I would not think
12 that there is still a difference between affiliation.
13 I the DV instance you're talking about an incidents
14 where somebody has done something. I understand that
15 the spouse may not be or the partner may not be
16 pursuing a charge, but I think you're still—you're
17 still addressing a situation based on an event, oh
18 yeah, sorry. Sorry. Still have the database based on
19 an event that that happened versus and affiliation.

20 OLEG CHERNYAVSKY: Well, but that's—
21 that's—that's important. It's—they—the Criminal Group
22 Database is not based on an affiliation. So, if
23 we're—if we're drawing the correlation to something
24 happening then the individuals as I went through the
25 list of crimes that the individuals that populate our

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2 Criminal Group Database are responsible for, to be a
3 group you need to be engaged in-in criminal activity.

4 COUNCIL MEMBER POWERS: I'm talking about
5 an individual not a group.

6 OLEG CHERNYAVSKY: Well, but the-it's-
7 well--

8 COUNCIL MEMBER POWERS: So the
9 affiliation is then-

10 OLEG CHERNYAVSKY: One individual
11 standing alone is not a criminal group, right so that
12 individual would be in connection with others, right.
13 They have similar, you know, they identify as we are
14 Group A, we're Gang A, and we have tattoos that have
15 an A on us. We wear group gang-Group A colors. We
16 have Group A hand signals. We have commit crimes as
17 a group, and, you know, we have territorial disputes
18 this is Group A's territory. So there-there are a
19 variety of things that lead you there has been
20 activity, much like, you know, as we highlight DV.
21 That's one example. I'm just really thinking on the
22 fly, but that-that was something that popped out.
23 There's been action. So over here you have a group
24 has been engaged in the past criminal action or a
25 current criminal action.

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2 COUNCIL MEMBER POWERS: Is the--the--I note
3 that you had shown some stats on your balance, the
4 criminal background of 96%--90.6 have been arrested
5 for at least one felony, 75.6 for at least one index
6 crime, 50.8% have been arrested for at least one
7 robbery. The average person has been arrested 11.7
8 times. Those don't mean that those crimes put you
9 into the database necessarily. They mean that you're
10 just calculating the outreach here--

11 OLEG CHERNYAVSKY: Right.

12 COUNCIL MEMBER POWERS: --of people in
13 it. Is that correct?

14 OLEG CHERNYAVSKY: Right.

15 COUNCIL MEMBER POWERS: And they're
16 individuals I--I presume who have none of the above?

17 OLEG CHERNYAVSKY: You.

18 CHIEF ESSIG: Yes, we have for less than
19 2% of less than--

20 COUNCIL MEMBER POWERS: [interposing] And
21 that's great to have--

22 CHIEF ESSIG: No arrests.

23 COUNCIL MEMBER POWERS: Okay. The--I mean
24 I--I can accept a lot of what you're saying around the
25 open investigation and the need for the agency to be

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2 able to do its work, and to both be preventative, but
3 also be able to—in—in case of an incident to be able
4 to understand the dynamics in terms of the gain, and
5 understanding the—how to—how to proceed with an
6 investigation. I think that the concern that the
7 Chair has raised is who's in it? We've had this
8 conversation in past hearing as well. Who's in it,
9 and obviously as I understand it, I said this to the
10 concerns that informing somebody then it may
11 compromise an open investigation or other actions
12 that the agency has, but at the same time
13 understanding the way somebody gets into it. I think
14 that my feeling is when you're talking about
15 affiliation, that is obviously way more discretion—
16 there's a more discretion involved in that than some
17 of—some of the other databases you're talking about.

18 OLEG CHERNYAVSKY: Yeah, just—just to—
19 just to highlight. I'll fill in and that's I—I keep
20 repeating this because I think it's an important
21 point to highlight because we—we keep focusing on
22 affiliation as being some sort of an automatic
23 trigger to get into—into the database. It is not.
24 Mere affiliation will not even get you recommended
25 for inclusion into the database let alone get you

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2 entered into the cluster housing. You wouldn't even
3 be recommended. If you were hanging out, as the
4 Chair mentioned, if he's hanging out with a couple of
5 people that happen to be in the gang, is he
6 affiliated and now in the Gang Database? No, he's-
7 he's not. He wouldn't even be recommended for
8 inclusion in the-in the Criminal Group Database.

9 COUNCIL MEMBER POWERS: And just remind
10 me one more time what then would be the criteria for-
11 for inclusion?

12 OLEG CHERNYAVSKY: So, you have, you
13 know, and I-I know that the Chair found it hard to
14 believe the last time we had this hearing, but a
15 significant, yeah, a significant number of the folks
16 self= self identify, self admit. I mean that's not an
17 uncommon. That is a very common occurrence, you know,
18 because that is something that I-I would assume that
19 gives them stature, you know, so they-they're
20 actually proud of their involvement and they make
21 that admission. So, an admission during the course
22 of an investigation by law enforcement if we have not
23 one but two independent law enforcement sources
24 saying this person is in a gang. So, it's not only
25 one investigator, but -but two, two law enforcement

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2 sources making that determination. Social media

3 indicators indicating membership. That would get one

4 of those would get in, right. So, that's the high

5 bar. The other option is a combination of the

6 following which could be, you know, gang related

7 documents, association with a criminal group and not

8 standing alone, but with other factors, social media

9 and association with groups including pictures, scars

10 of tattoos associated with a group colors and

11 gestures reflecting, you know, association with a

12 group, and it's not one of those things being

13 present, it's a combination of those things being

14 present will only get you to the point of being

15 recommended. It will not get you automatic entry.

16 There is no automatic entry. There is--there are

17 these triggers that will get you recommended by not a

18 mere police officer on the street, by--but by a

19 detective or a field intelligence sergeant that has

20 expertise in gang activity will-- They will

21 recommend you based on a combination of these factors

22 and then an executive in--in the gang unit, the

23 captain of a particular borough would then have to

24 review that recommendation and evaluate it for

25 inclusion. Again, our goal is to keep that database

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2 as lean as possible. Because an over-populated
3 database is a useless investigative tool.

4 COUNCIL MEMBER POWERS: Okay, I
5 appreciate that, and just a final question on this
6 topic and I have one more after that is the-the self-
7 admission. What is that? What is the mechanism if I
8 want to self-identify I should say with a particular
9 gang?

10 CHIEF ESSIG: If somebody was arrested
11 and they're the precinct, then they're going to be
12 debriefed on crimes in the area, they would self
13 admit, I'm a Blood, I'm a Crip, et cetera, et cetera.
14 That's a self-admission.

15 COUNCIL MEMBER POWERS: Okay, thank you.
16 Just switching topics to a different bill, which came
17 up earlier Council Member Borelli's legislation
18 around the AirDrop, and I will confirm I did tell him
19 they're in people's phones. The-it made me check my
20 own settings, but you're-you're supportive of that
21 legislation based on the category of picture that's
22 being or information that's being sent. Is there a
23 more-are you-are you supportive of a more expansive
24 effort to-I mean there's all privacy concerns. I

25

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2 meant there's two concerns. One is, you know, over
3 regulating--

4 OLEG CHERNYAVSKY: Uh-hm.

5 COUNCIL MEMBER POWERS: --here, but also
6 the concern is that there's a concern about people
7 invading other people's personal privacy using
8 technology that's now available. Is that concern for
9 the NYPD go further than the specific category that
10 Council Member Borelli's bill is discussing?

11 OLEG CHERNYAVSKY: So, I mean I think we--
12 we need to be balanced here. I think we would all
13 agree that, you know, there are implications that we--
14 we need to withstand legal scrutiny in order for
15 bills such as this to be able to pass. In a
16 situation of an AirDrop when you confine it to
17 intimate image, you know, you have defined, easily
18 defined an identifiable subject matter, and if you
19 send it with the intent to harass, annoy, alarm
20 another individual who's an unwilling recipient, you
21 can pretty accurately identify that. Of course as
22 law enforcement we need to still develop the intent
23 of actor, and we need to develop who was the actual
24 sender, right. So, those are challenges, but, you
25 know, that's something we're going to work through as

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2 we work through in every investigation. I think when
3 we talk about a course of conduct sending somebody
4 messages with intent to harass or annoy or alarm
5 them, that then rise to the level of intimate images,
6 a pattern of conduct would currently fall under the
7 aggravated harassment statute in the Penal Law. I
8 think the question you're asking is do you want to
9 have a one text trigger--

10 COUNCIL MEMBER POWERS: Yes.

11 OLEG CHERNYAVSKY: That's--

12 COUNCIL MEMBER POWERS: I mean that would
13 seem unenforceable to me for what it's worth, but I
14 don't know.(sic)

15 OLEG CHERNYAVSKY: [interposing] So I
16 mean I think it's--I think--

17 COUNCIL MEMBER POWERS: I would love to
18 enforce.

19 OLEG CHERNYAVSKY: Right, but there--I
20 mean these are difficult things to enforce but it's
21 not--I don't think it's insurmountable, and having a
22 tool for somebody that's legitimately victimized
23 versus having not tool at all, we'll--we'll choose the
24 option of having a tool, and we'll work with our DA

25

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2 partners to try to get a prosecution on it and
3 prevention. (sic)

4 COUNCIL MEMBER POWERS: Okay, thank you
5 that testimony, and taking time to answer questions.
6 Thank you, Chair for offering me the opportunity.
7 Thanks.

8 CHAIRPERSON RICHARDS: Thank you, Council
9 Member Powers. Let's go onto Council Member Miller.

10 COUNCIL MEMBER MILLER: Thank you, Mr.
11 Chair.

12 OLEG CHERNYAVSKY: Good morning.

13 COUNCIL MEMBER MILLER: Good morning. Okay
14 before we—we address the—the legislation, let me
15 just—if—if someone, and we're talking affiliations
16 and associations, if there was an ongoing
17 investigation and you happen to be walking to school
18 with someone involved in that investigation, if you
19 happen to play some ball in the afternoon beyond
20 that, does that then trigger a concern beyond the
21 normal—the normal criteria because that you are
22 having relations, ongoing relationships with others
23 involved in the investigation?

24 OLEG CHERNYAVSKY: No.

25

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2 COUNCIL MEMBER MILLER: That-that was a
3 pretty emphatic no.

4 OLEG CHERNYAVSKY: That's a-it's-it's as
5 clear-cut as it can be. That's-the criteria is build
6 around not capturing that individual.

7 COUNCIL MEMBER MILLER: Okay because in
8 the license they have of a member, you know, it comes
9 becomes involved with a bunch of folks that just
10 holistically within there, right, throughout the
11 community. If-how long has this database been
12 existence? [background comments]

13 OLEG CHERNYAVSKY: Yeah, can I
14 [background comments/pause] Yeah. I mean I know it
15 was revised and seriously overhauled in '14 at the
16 beginning of this Administration where it's-it's a
17 lot smaller than what it used to be, but it-it
18 wasn't--

19 COUNCIL MEMBER MILLER: So--

20 OLEG CHERNYAVSKY: --the prior version
21 was a red.

22 COUNCIL MEMBER MILLER: [interposing] As-
23 as we go back to that data, too, and look what that
24 universe looked like then does it look the same as it
25 does now?

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2 OLEG CHERNYAVSKY: No, because I-I think
3 the-I-I think the danger, you know, the learning
4 lesson was is that, and I think, look, I think
5 realistically we-we can say the same thing about
6 street stops, right? If you go back a decade you had
7 680,000 and you took this broad approach right, and
8 what it, you know, versus now you have under 12,000
9 stops--

10 COUNCIL MEMBER MILLER: [interposing] Okay
11 I don't need a course in-in directions. (sic)

12 OLEG CHERNYAVSKY: No, no, this is what
13 I'm saying is-

14 COUNCIL MEMBER MILLER: That wasn't
15 question I asked. I wasn't look for the entire
16 universe. I was looking for the demographics within
17 the universe. It would look significantly different
18 from when they look now.

19 OLEG CHERNYAVSKY: I-I don't know, to
20 answer that, but I-I-I-I no, I mean I-I do--

21 COUNCIL MEMBER MILLER: [interposing] So,
22 it's been around for a little while, you know--

23 OLEG CHERNYAVSKY: I don't think it would
24 be different.

25 COUNCIL MEMBER MILLER: -the gangs--

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2 OLEG CHERNYAVSKY: --I don't--

3 COUNCIL MEMBER MILLER: --and-and I-I-
4 trust me.

5 OLEG CHERNYAVSKY: I don't think it would
6 be, but I'm agreeing with you in the sense that I
7 don't think it would be significantly different.

8 COUNCIL MEMBER MILLER: To go back 10
9 years, the communities that were being impacted by
10 gang proliferation throughout the city if you go back
11 20 years, the--the impact that those gangs had on
12 those communities I would even submit what we see now
13 has not even begun to touch the surface of what we've
14 seen then. I am--the question in it is best practice,
15 why don't we see those--why aren't those gangs no
16 longer active or represented here if they're not
17 active. I don't believe that they are in the
18 communities that were represented in years past. What
19 was done then to eliminate that? Are we using those
20 best practices to address that, or are we just--

21 OLEG CHERNYAVSKY: I mean are you--?

22 COUNCIL MEMBER MILLER: --this is the
23 sense?

24 CHIEF ESSIG: Well, you're talking about
25 the gangs in general, right, how we're lessening

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2 them? I think you just look-look at the number of
3 homicides and shootings. We've gone through 5,200 to
4 just under-under 800. So, a lot of these shootings
5 are gang related. So, we are having a significant
6 impact on the gangs from what we had years and years
7 ago.

8 COUNCIL MEMBER MILLER: Are we seeing the
9 same gangs that we saw 10 years ago, 15 years ago?

10 CHIEF ESSIG: No.

11 COUNCIL MEMBER MILLER: I know you had
12 smaller crews and stuff like that now--

13 CHIEF ESSIG: Yes.

14 COUNCIL MEMBER MILLER: --but locations,
15 demographics. Here clearly 98% are-are Black and
16 Hispanic, and that wasn't the case 10 years ago or 10
17 years. In fact, I think we can all agree that that
18 that wasn't the case and the impact that they had on
19 communities certainly hasn't then risen to that level
20 that it was back then. I'm merely saying that if
21 they don't exist, that's a great thing. What as the
22 best practices that we can use to make sure that
23 we're addressing that in these communities that-that-
24 -that they're impacting now?

25

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2 OLEG CHERNYAVSKY: I mean I—I think if I
3 understand your question and I think I do, I think
4 the—the answer is the precision policing. You know,
5 when we focus on the small number of the crime
6 drivers that are driving crime, you know, they, you
7 know, we—we—we make sure that you—you have—we focus
8 our resources rather than these broad approaches, and
9 they have caught up other groups or other
10 individuals, and we focus on the few that we know are
11 driving our crime numbers. When you see that
12 happening, when you see our resources focused on the
13 locations where the crime is happening, you know, you
14 see less crime starting to happen when that—when—when
15 that's the result of this, and then, you know, and I
16 know I mentioned this this in my opening statement
17 which is neighborhood policing. I mean it's going
18 into those same neighborhoods after we've addressed,
19 you know, specific individuals from Precision
20 Policing going into that community and—and with our
21 NCO, with our scepter cops, and actually we build in
22 trust, rebuilding trust, you know, developing that
23 one-on-one relationship where the community knows the
24 cop and the cop knows the community.

25

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2 COUNCIL MEMBER MILLER: Okay, so-so
3 clearly this predated community policing, but I don't
4 want to languish on that too much. How early has the
5 department observed 3Ds and-and ghost guns entering
6 into the cities? [background comments] When-when-
7 when-when did that get laid out if at all?

8 OLEG CHERNYAVSKY: I know, when did they
9 start entering the city? When-

10 CHIEF ESSIG: I just think the last two
11 years.

12 OLEG CHERNYAVSKY: Yes, I mean we-we're
13 taking a look at-what we did was we took a look at
14 the last three years in terms of numbers. We didn't
15 go back further. The number-so I think it's
16 important to highlight the numbers aren't really
17 drastic in terms of recoveries of 3D guns or recovery
18 of ghost guns, but-but that-that's actually a good
19 thing, and-and I'll tell you why this is a good
20 thing. You know, what--we always seem to find
21 ourselves reacting, right. What you're doing wit
22 this legislation is you're being proactive. What
23 we're seeing happening on the west coast that's going
24 to wind up moving its way here, you're not waiting
25 until it gets here, you're actually addressing it

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2 before it gets here, and these receivers that are
3 untraceable that, you know, you can basically build
4 your own gun, you have somebody with a level of
5 expertise that goes on the Internet, gets
6 instructions, buys a component part that they can buy
7 on the Internet or buy somewhere else. Before you
8 know it, they're building, 200, 300, 400 guns, giving
9 it out to some of the criminal groups that are now
10 using untraceable weapons. What you're with this
11 legislation is you're getting way ahead of the curve
12 before it becomes an epidemic in the city , and
13 you're basically saying, look, if you have that
14 untraceable component part, even before you build it
15 into a lethal weapon, we're going to make that an
16 unclassified misdemeanor. We're going to give the
17 police a tool to be able to seize it, to-to arrest
18 somebody for-for-for having it, and that's-that's a
19 good thing.

20 COUNCIL MEMBER MILLER: Is there a way to
21 determine whether or not one of these was used in a
22 shooting incident. [background comments]

23 CHIEF ESSIG: We enforce this.

24 OLEG CHERNYAVSKY: Yeah it would-

25

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2 CHIEF ESSIG: It would be a ballistics
3 match. So, if one of those guns was involved in a
4 shooting, we would get them. Bullistics would send
5 it to our lab, and we count the Ballistics and the
6 recovered firearm.

7 COUNCIL MEMBER MILLER: So, you need the
8 recovered firearms.

9 CHIEF ESSIG: Absolutely.

10 COUNCIL MEMBER MILLER: Absolutely yes.

11 OLEG CHERNYAVSKY: So, outside of that
12 there's no way to really determine if or how many—if
13 you haven't recovered the firearm as a result of the
14 incident, then there's no way to determine whether or
15 not specifically a ghost guns or 3D was used in a
16 shooting incident. So, to this point, it can't be
17 documented. Is that accurate.

18 COUNCIL MEMBER MILLER: So, to the point
19 of your bill?

20 OLEG CHERNYAVSKY: To—to this point that
21 if-if-of all the shootings that have occurred, if you
22 don't have and actual 3D or ghost guns to match it up
23 with, you cannot determine whether or not they were
24 actually involved in the shooting or not?

25 OLEG CHERNYAVSKY: So, yeah.

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2 CHIEF ESSIG: [off mic] So, yeah we-[on
3 mic] we need the firearm to match up to the bullets.

4 COUNCIL MEMBER MILLER: Have there been
5 any seizures?

6 CHIEF ESSIG: Yes. So, in the last three
7 years--

8 COUNCIL MEMBER MILLER: Uh-hm.

9 CHIEF ESSIG: --three years ago stating
10 from 7-2017 we had 32 seizures. In 2018 we had 14
11 and in 2019, 21.

12 COUNCIL MEMBER MILLER: Were they
13 multiple seizures or--

14 OLEG CHERNYAVSKY: Uh, I--

15 COUNCIL MEMBER MILLER: --just
16 individual?

17 CHIEF ESSIG: I think there was a few
18 multiples, but we could get that information how many
19 seized back to you. Most of them like my previous
20 job was in Gun Violence where we did the firearms and
21 firearms tracking, and we're seeing these guns coming
22 from Nevada and California, pieces like that. So,
23 it-it would be really important in our firearms,
24 investigation or firearms trafficking investigations
25 to stop this because we can't track the source dates,

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2 we can't track who manufactured them or who sold
3 these guns. So, this is-

4 COUNCIL MEMBER MILLER: So, I have other
5 questions, but it, but it seems like that the
6 database is supportive. So, I'll just ask do you
7 think that as currently constituted that this
8 legislation is going to be helpful? Do you see
9 anything that could be added to this that would give
10 you the tools and resources to-to address what we
11 anticipate as a potential problem?

12 OLEG CHERNYAVSKY: Yeah, I think --

13 COUNCIL MEMBER MILLER: So give us some
14 information.

15 OLEG CHERNYAVSKY: Yeah, I think we're
16 going to-we'll work together, of course with central
17 staff, and-and on figuring out the right language
18 because, you know, we have federal statutes, state
19 statutes, all of that in play. So, we are supportive
20 unquestionably of the legislation and we're going to
21 work together with you to make sure that it
22 withstands legal requirements to make sure that it's,
23 you know, that we could actually use it and the
24 statute doesn't get stricken down. We want to have
25 this tool.

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2 COUNCIL MEMBER MILLER: Have you noticed
3 in those arrests or seizures a-that they occurred in
4 a particular demographic part of town, age
5 demographic or whatever.

6 OLEG CHERNYAVSKY: Or where they go?

7 COUNCIL MEMBER MILLER: This is random.

8 OLEG CHERNYAVSKY: I, you know, I'll get
9 you the number. We-we took-we kind of ran the totals
10 of what we took in in those three years, but let me
11 see if I can break it down by precinct and, you know,
12 maybe that will give you some insight.

13 COUNCIL MEMBER MILLER: Okay, thank you.
14 Thank you very much. Mr. Chair, thank you.

15 CHAIRPERSON RICHARDS: Thank you,
16 alrighty, back to the database again for a few more
17 questions. So, you, you said in your testimony you
18 stated 90.-90.6% of the individuals I the database
19 have been arrested. How many convictions.

20 OLEG CHERNYAVSKY: I don't have the
21 conviction numbers on it.

22 COUNCIL MEMBER MILLER: So, you'll get
23 that back to the committee?

24 OLEG CHERNYAVSKY: I will see if we can
25 access that. That-those are VA numbers.

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2 CHAIRPERSON RICHARDS: Okay.

3 OLEG CHERNYAVSKY: So, I'll—I'll see if
4 we can—what we could get on that.

5 CHAIRPERSON RICHARDS: Yeah, yeah and
6 then how many individuals in the database have a
7 felony conviction?

8 OLEG CHERNYAVSKY: Okay.

9 CHAIRPERSON RICHARDS: Alright, so if we
10 can get those numbers. So, you'll get those numbers
11 back.

12 OLEG CHERNYAVSKY: I'll—I'll see if we
13 can get them. I just qualify it by these are defense
14 attorney numbers, and Court Administration numbers.

15 CHAIRPERSON RICHARDS: Okay.

16 OLEG CHERNYAVSKY: So, to the extent that
17 we can get it, I'll—I'll do my best.

18 CHAIRPERSON RICHARDS: I sure you get the
19 numbers.

20 OLEG CHERNYAVSKY: They might.

21 CHAIRPERSON RICHARDS: You work with them
22 right. [laugh]

23 OLEG CHERNYAVSKY: I work with them.

24 CHAIRPERSON RICHARDS: Right.

25

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2 OLEG CHERNYAVSKY: I work—I work with
3 you, too. [laughs]

4 CHAIRPERSON RICHARDS: [laughs] Isn't it
5 true that officers of detectives—so you spoke of
6 self-admitting of being in a gang. So, just run me
7 through that. So, like you're in an interrogation
8 room, and you're being interrogate—interrogated, and
9 just voluntarily are like I'm Blood, by the way.
10 People do that? [laughs]

11 OLEG CHERNYAVSKY: Yeah. So they—like you
12 were surprised the last time a year ago we were
13 before you, but as I said, look for a lot of—for a
14 lot of folks who are selective about who's in—who's
15 in the database, and I've highlighted all the
16 criteria, but for the folks that are in it, there's a
17 lot of folks that are proud members of criminal
18 groups. That's a status symbol for them to identify
19 and to admit yes, this is who I am. They're posting
20 it on their social media accounts. They're—it—that—
21 it's not a far fetched thing. I know you found it
22 hard to believe a year ago.

23 CHAIRPERSON RICHARDS: Yes, I do.

24

25

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2 OLEG CHERNYAVSKY: It sounds like you
3 find it hard to believe still, but that's—that's the
4 truth of the matter.

5 CHAIRPERSON RICHARDS: But, I would also
6 say that perhaps in some interrogations, and maybe
7 I'm not aware of—obviously, not aware of what goes on
8 in every interrogation that, you know, detectives
9 could give leading questions, right, like so you're a
10 Crip, right? And I would assume that those
11 individuals or maybe in some cases may respond, No,
12 I'm not a Crip. I could be a blood. So, I guess my
13 concern is, you know, during an interrogation where
14 techniques are being used, are there lead questions
15 that would--?

16 OLEG CHERNYAVSKY: I mean we follow—we
17 follow the law when it comes to interrogations. I
18 mean that's been long established, you know, through
19 case law. If—we don't follow the law, the
20 statements get suppressed. So, it doesn't benefit
21 anybody by us asking inappropriate questions that
22 will lead to inadmissible evidence.

23 CHAIRPERSON RICHARDS: Right, and do you
24 believe that notifying teen-agars could serve as a
25 deterrent? And I'll—I'll just speak for myself. You

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2 know, if my mom got a notification I was in a gang, I
3 probably would be more scared of my mom than you.
4 [laughter] But do you think this could serve as a—as
5 a deterrent in some cases? And then, you know, we
6 spoke of direct outreach, and—and if there's no plan,
7 that's okay. I think that's the point of having this
8 hearing, you know, could there be if you have 496
9 individuals and you stick 4–94 in a database, you
10 know, you have Cure Violence groups.

11 OLEG CHERNYAVSKY: Uh-hm.

12 CHAIRPERSON RICHARDS: Could we do a
13 better job at connecting the Cure Violence groups
14 with these teen-agers or people who are not even
15 teen-agers who may be in a database? Not notifying
16 them, but technically there are ways still to go
17 around that to ensure that perhaps their information
18 gets to a crisis management system through some of
19 the local precincts or whatever to ensure that they
20 are being connected to services, which then can
21 ensure that we're putting these young people on a
22 path to success.

23 OLEG CHERNYAVSKY: Yeah, I mean I think,
24 and I sand this in the testimony in the prepared
25 statement, and I'll say it to you as well, I—to the

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2 extent that it does not jeopardize an investigation.
3 You're not going to see us opposed to getting kids
4 back on the right track. We—a lot of our programs
5 are aimed at getting them on the right track before
6 they get on the wrong track. Some of them are aimed
7 at getting them on the right track even if they took
8 the wrong track. So, I just—I think the issue here
9 is sending our notifications and alerting individuals
10 whether they be third parties or otherwise that
11 somebody is an investigative lead.

12 CHAIRPERSON RICHARDS: [interposing] I'm
13 not saying you have to do that. (sic)

14 OLEG CHERNYAVSKY: I know, I know, but
15 I'm—but when you talk about the universe of programs
16 that are out there, I think we're open to programs to
17 the extent that they don't compromise investigations.

18 CHAIRPERSON RICHARDS: Right, and I think
19 you have youth officers in most precincts, right?

20 OLEG CHERNYAVSKY: Uh-hm.

21 CHAIRPERSON RICHARDS: So, perhaps
22 strategically working with a youth officer to say
23 hey, John Doe at Andrew Jackson is in this gang.
24 Perhaps, you know, mention it. I don't know if there
25 could be coordination with say a guidance counselor,

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2 a social worker or, you know, some of the crisis
3 management organizations to flag those things and
4 say, Hey, you may want to have a conversation with
5 these individuals about services and other things. I
6 want to move from that and just lastly ask just a few
7 more questions. One more on this. You know, there
8 have been calls to eliminate the Gang Database, and,
9 you know, one of the things I want to know is
10 couldn't you do investigations without a database,
11 and then with—if we were to eliminate these things,
12 would this preclude you from being able to still have
13 investigations and still carry on the work that
14 you're doing now minus having a database?

15 OLEG CHERNYAVSKY: But, you know, it's—
16 you—when you--

17 CHAIRPERSON RICHARDS: [interposing] And
18 there are other cities that have eliminated it,
19 right?

20 OLEG CHERNYAVSKY: Right, but there's—the
21 idea is why—why would you not take advantage of
22 technology that's out there that could help you more
23 precisely target the individuals that are driving
24 your crime, that are enabling you to connect the dots
25 to see who's responsible for crime, enabling you to

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2 connect the dots to see who can possibly be the
3 recipient of because this gang shot at this gang.
4 So, now we know there's going to be retribution to-to
5 make that more difficult, to create, to set up index
6 cards, you know, would be the equivalent of let's not
7 use a cell phone and let's yell across the courtyard
8 at each other through our windows or communicate that
9 way. Why would you do that? You know, there's-
10 there's a more efficient way to leverage technology
11 to more effectively drive down crime, and we've done
12 that and I-and, you know, I know that-that you're-
13 you're supportive of that. When we see arrests down
14 140,000 from five years ago in a given year, when we
15 some-see criminal courts summonses down in the high
16 70s, 78%, street stops from 680,000 to 112,000, the
17 jail population below 9,000. I mean these are all
18 things that are not done by accident. We're focusing
19 on the drivers of crime, but in order to focus on
20 them effectively, we need to leverage the technology
21 that's out there now. It-it just makes no sense to
22 have us use antiquated techniques or to hamstring the
23 Police Department, and leave dangerous folks out
24 there for any longer than they need to be out there
25 to victimize somebody else.

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2 CHAIRPERSON RICHARDS: Have we seen
3 increases in crimes—in crime where we've—where
4 they've eliminated the database?

5 OLEG CHERNYAVSKY: I haven't--

6 CHAIRPERSON RICHARDS: Maybe with other
7 cities?

8 OLEG CHERNYAVSKY: I mean I haven't
9 studied, you know, cities that eliminated the
10 database, but realistically, you know, those cities—
11 every city is unique, every city has their unique
12 needs. I mean we have our needs as the most densely
13 populated city in the country. You know, we have
14 millions of people in a relatively small area. We
15 need to keep everybody safe, and we are not—we're not
16 supportive of eliminating the necessary tools to do
17 that.

18 CHAIRPERSON RICHARDS: And I think that
19 technology would be there whether you had a database
20 or not, but I think the concern is that there could
21 be in a sense people labeled in this database, and
22 although I'm, you know, I'm hearing you, you're
23 saying that other individuals don't have access to
24 this database, I want to believe it, but there's--

25

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2 OLEG CHERNYAVSKY: I want you to believe
3 it.

4 CHAIRPERSON RICHARDS: --but there is
5 historical [laughs], you know, relationship that for
6 instance, you know, DOI releases a report yesterday
7 on biased crimes and in that report, you know, we—you
8 have not substantiated one, not like one, but biased
9 labeling by police officers or individuals. You have
10 not substantiated one biased complaint ever. So, I
11 want to work with you, but it just becomes hard to
12 believe that there are not innocent people entangled
13 in this database and should not be in there, and be
14 labeled gang members, and then not only that, I
15 still—my opinion is that you could still do the work
16 that you're doing without have a database and still
17 be successful. I don't see how that minimizes your
18 investi—investigatory tools to actually--

19 OLEG CHERNYAVSKY: [interposing] I think
20 that's--

21 CHAIRPERSON RICHARDS: --work on, you
22 know, individuals who may be associated or may not be
23 associated, but I think our concern is that there may
24 be teenagers, there may be individuals who are
25 labeled as gang members, which does in a—although

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2 you're saying it doesn't, you know, I don't want to
3 say you're not saying it matter--

4 OLEG CHERNYAVSKY: [interposing] Oh, it
5 probably matters.

6 CHAIRPERSON RICHARDS: -- but they're
7 going to have line on the streets.

8 OLEG CHERNYAVSKY: It certainly matters--

9 CHAIRPERSON RICHARDS: Yeah.

10 OLEG CHERNYAVSKY: --but what it doesn't
11 do is have the collateral consequences that you see
12 in other states. You're not getting penalty
13 enhancements or sentence enhancements. You're not
14 being criminalized for solely being in the database.
15 You're not being stopped in the street because you're
16 in the database solely for that reason. You're not--
17 you're not--your ability to get an apartment, your
18 ability to enter school, nobody is informed of this.
19 It is a law enforcement tool that we use to address
20 criminal activity by criminal groups.

21 CHAIRPERSON RICHARDS: Okay, I'm going to
22 move from that. I have a difference of opinion,
23 though we won't resolve it right now. Let's go to
24 staged perp walks for a second. Does the database
25 have a policy on notifying the media when suspects

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2 are being transported from precincts to Central
3 Booking?

4 OLEG CHERNYAVSKY: No. So, the
5 department, the department complies with, and there
6 was a case law I believe in the early 2000s a federal
7 case that spoke directly to staged perp walks, and
8 that's not something that we do. Our—our problem—I
9 guess our concern with the bill as written is that it
10 would actually hamstring our ability to do routine
11 work. Now, of course, I—I know what the follow-up
12 question is going to be. We have a carve-out for you
13 to routinely transport individuals outside of
14 precincts, but, you know, the—it's—staging a—let's—
15 I'll use the terminology staging the perp walk is—is
16 really an amorphous term right. So, if we have for
17 example, you know, our hearings on sex crimes in the
18 Unit in Sex Crimes Investigations, one of the things
19 that was raised, one of the recommendations of DOI's
20 report, and something that Council Member Rosenthal
21 has and yourself have—have—have held our feet to the
22 fire on is to get the sex crimes facilities as
23 recommended up and running. Well, the recommendation
24 is to have separate entrances for victims and
25 separate entrances for perpetrators. So, by default

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2 what we're having is in a high profile sex crime, the
3 media would know that the individual, the perpetrator
4 is going to be coming in and out of a particular
5 doorway. There could be a gaggle of media there, a
6 lot of cameras there. We need to set them off on the
7 side to be able to use the door. So, if we put a
8 barricade there, are we now walking out a perpetrator
9 or bringing them into a facility. We staged arguably
10 media by clearing the doorway, by telling them stand
11 on this side. Are we staging a perp walk? It opens
12 up police officers and detectives to the potential of
13 violating the Local Law for simply doing their job.
14 Now, in terms of, you know, and there's other
15 facilities that are older facilities that really only
16 have—I mentioned sex crimes, but they only have one
17 means—one means of ingress and egress. So, you'll
18 have the same situation happening there, but no, we—
19 we don't stage the movement of a prisoner for the
20 media, but passing a law that would effectively I--I
21 guess prohibit that would place officers in a
22 situation where they could potentially be violating
23 the law by simply doing their job.

24

25

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2 CHAIRPERSON RICHARDS: I think what we're
3 getting at is just ensuring that, you know, innocent
4 until proven guilty.

5 OLEG CHERNYAVSKY: Sure, then but that's
6 what--that's what I ready said.

7 CHAIRPERSON RICHARDS: [interposing] And
8 I think the reception unfortunately, I mean I just go
9 back to the Innocent Five how they were walked and
10 paraded out of this precinct, right, innocently, and
11 unfortunately, they were guilty before they even got
12 a fair shake, you know, you know, in the public's
13 eyes because and I--you know, because of the media
14 technically as well. And so, you're saying you don't
15 call media at all?

16 OLEG CHERNYAVSKY: [ice clinking] Sorry.

17 CHAIRPERSON RICHARDS: Are you cooling
18 off? Is it hot in here for you now?

19 OLEG CHERNYAVSKY: We're talking a little
20 here.

21 CHAIRPERSON RICHARDS: Right. [laughter]
22 So, NYPD has a policy or is there no policy on
23 calling the media?

24 OLEG CHERNYAVSKY: I mean I don't--I'm not
25 aware of aware of a written policy, but after we're

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2 done with the hearing I'll call the CPI and see if
3 they have something in writing that I can share with
4 you.

5 CHAIRPERSON RICHARDS: Okay, and does
6 staging a—the media taking photos of the suspect in
7 handcuffs is there any law enforcement on desiccatory
8 purpose?

9 OLE CHERNYAVSKY: It doesn't serve a law
10 enforcement or an investigatory purpose that I can
11 think of, but I mean I think— Can you—can you repeat
12 the question one time?

13 CHAIRPERSON RICHARDS: I'll be—I'll make
14 it easy. Can you support a bill that would say you
15 can't call the media?

16 OLEG CHERNYAVSKY: Would I support the
17 bill—I--

18 CHAIRPERSON RICHARDS: [interposing]
19 Support a bill that says you cannot call the media?

20 OLEG CHERNYAVSKY: I mean I—I think you
21 need to balance what—what you're saying with the fact
22 that we routinely call the media when we have a
23 wanted outstanding suspect that we through our
24 partners in the media we alert the—we alert the
25 public that this person is wanted. They put out

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2 through whether it's New York 1 or-or any of the
3 other media outlets they put out, they're kind enough
4 to put out--

5 CHAIRPERSON RICHARDS: [interposing] And
6 that's fine. I'm not-I'm not getting at that.
7 That's fine. We don't want to go with those three.
8 (sic)

9 OLEG CHERNYAVSKY: [interposing] It
10 stems, but ultimately what stems from that is-is when
11 you actually take this dangerous criminal off the
12 street--

13 CHAIRPERSON RICHARDS: [interposing]
14 Alleged and then the alleged--

15 OLEG CHERNYAVSKY: Alleged dangerous
16 criminal off the street--

17 CHAIRPERSON RICHARDS: Uh-hm.

18 OLEG CHERNYAVSKY: --the public already
19 saw the wanted poster. They know this person is
20 wanted. The media provides them with some sort of
21 closure. So, is there going to be a question about
22 has there been an apprehension made? Are we now then
23 not going to be allowed to close the loop? They put
24 out the wanted poster. They want to know--

25

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2 CHAIRPERSON RICHARDS: [interposing] No,
3 but I think you can still put a statement out.
4 That's fine that, you know, this individual is in
5 custody.

6 OLEG CHERNYAVSKY: I'll—I'll take a look
7 at the bill as it's written, and I'll make an
8 assessment there. I just wouldn't want to speculate.

9 CHAIRPERSON RICHARDS: Alrighty. Just on
10 Internet purchase and exchange locations, do you have
11 receive complaints of robberies or other crimes that
12 are arise from trans—transactions that people
13 negotiate online using sites like Craig's List, and
14 what stakes or what steps do the department takes to
15 make those transactions safer?

16 OLEG CHERNYAVSKY: So, we ran some
17 numbers and I—I don't—I know you mentioned a
18 particular website. This is not—I'm—I'm—these
19 numbers are not now in--

20 CHAIRPERSON RICHARDS: Take me through an
21 example.

22 OLEG CHERNYAVSKY: Yeah, but it's not
23 married to crimes that happened as a result of
24 purchases on that website. This is overall reported
25 robberies is it? Yeah.

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2 CHIEF ESSIG: Yes. Just for the last
3 three years the social media exchanged robberies, in
4 2017 you had 203. In 2018, 213 and year-to-day 2019,
5 81. Equivalent about 2017 it's about 1.4% of our
6 robberies; '18 about 1.6% and this year 1.4% of our
7 robberies are the social media type.

8 CHAIRPERSON RICHARDS: And are there any
9 things—can you just speak to any initiatives or
10 things you're doing just to keep these transactions
11 as safe as possible? I don't mean you to be able to
12 resolve all of them, but--

13 CHIEF ESSIG: Well—

14 CHAIRPERSON RICHARDS: --in, you know—

15 CHIEF ESSIG: Well, the investigation
16 into the social media are handled by our Robbery
17 squads, which are experts on robberies. They're not
18 hold-held by the local squads. They have more of an
19 expertise at robbery investigations going in the
20 social media and seeing, right. Getting websites and
21 speaking to people. So, every one of our Social
22 media robberies is handled by our Robbery Squad not
23 the local squad, and they also look to see if there's
24 any connections and patterns, anything around
25 citywide.

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2 CHAIRPERSON RICHARDS: Alrighty, well
3 some—Alrighty, I think that is it for me.
4 [background comments/pause] Okay, awesome. So,
5 we're going to let you go. Let me just ask on the
6 Airdropping. What role do private companies like
7 Apple play during investigations? Is there more that
8 you think they should be doing around the Airdrop
9 options? Are you responsive to concerns?

10 [background comments/pause]

11 CHIEF ESSIG: Yeah, when—when we subpoena
12 Apple and most of the social media companies, they're
13 very receptive as well we have the proper--

14 CHAIRPERSON RICHARDS: [interposing] And
15 when someone Airdrops a photo, does the sender's
16 phone leave any kind of digital footprint that can be
17 tracked? [background comment]

18 OLEG CHERNYAVSKY: Let—let me—let me look
19 into it. I just—I don't want to, yeah, I don't want
20 to say something that's—

21 CHAIRPERSON RICHARDS: [interposing] And
22 have you given any suggestions to Apple on this at
23 all? Has there been any conversation? Not just
24 Apple but any of these companies that have these sort
25 of Airdrop options?

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2 OLEG CHERNYAVSKY: I mean we have—we—we
3 do have a partnership. I know there—there are
4 certain issues that clearly, you know, we don't—we—we
5 wouldn't agree on, but there's other—we routinely
6 partner with technology companies on solving these
7 crimes. I'll find out—

8 CHAIRPERSON RICHARDS: [interposing]
9 Right.

10 OLEG CHERNYAVSKY: --for you if there has
11 been any conversation about, you know, whether them
12 updating their software to making, you know, to put
13 safeguards in place or whether there are unique
14 identifiers in an Airdrop.

15 CHAIRPERSON RICHARDS: One friendly
16 suggestion could just be make sure the person's cell
17 phone number shows up when you Airdrop the photos. So
18 that may be—that's gong to be something we recommend
19 for them, but it would be helpful from a law
20 enforcement standpoint if you did that as well. I
21 think that would resolve a lot of issues if people
22 knew that their phone numbers would directly show up
23 after Airdropping the photo.

24 OLEG CHERNYAVSKY: Sure.

25

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2 CHAIRPERSON RICHARDS: Alright. I want
3 to thank you. We have a lot more work to do to
4 ensure that we have a just—do you have a question?

5 COUNCIL MEMBER: [off mic] No.

6 CHAIRPERSON RICHARDS: Oh, okay—a more
7 just city. You got my points on the Gang Database. I
8 still think we have a lot of work to do to ensure
9 that we're not interacting especially young people
10 who we should really ensure has the services to pull
11 them out of gangs. We still have a lot more work. We
12 see this as the beginning of the conversation on the
13 database. We look forward to working with you
14 further on it. Keep driving those numbers down.
15 Thank you.

16 OLEG CHERNYAVSKY: Thank you.

17 [background comments/laughter/pause]

18 CHAIRPERSON RICHARDS: Alrighty, panel
19 Marie Delus, Moms Demand Action for Gun Sense in
20 America; Natalie Eisner, Moms Demand Action; Lilianna
21 Zaragoza, NAACP Legal Defense Fund; Center for
22 Constitutional Rights, Bronx Defenders and Fazia
23 Siddiqui, Girls for Gender Equity. We'll now put
24 three minutes on the clock for each person.

25 [background comments/pause] Thank you. I'm going to

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2 let--Council Member Rosenthal is going to read a
3 statement first, and then we're going to go each
4 panel. Each panelist will have three minutes for
5 their--to read their testimony. Council Member
6 Rosenthal.

7 COUNCIL MEMBER ROSENTHAL: Thank you so
8 much, Chair Richards. Thank you for holding this
9 important hearing. I appreciate hearing from the
10 NYPD. I really appreciate Moms Demand Action.
11 Because of you and because of your constant
12 vigilance, we make changes, and that's true for moms.
13 So, shout out. I'm pleased that my legislation Intro
14 1553, which prohibits the possession of an unfinished
15 frame or receiver of a firearm is being heard today.
16 36,383 people die each year from gun violence,
17 another 100 or a 120 are injured, and while--sorry.
18 36,380 people die each year from gun violence.
19 Another 100,120 are injured. While New York City
20 stands our for its common sense gun laws and
21 declining homicide rates, a critical loophole in gun
22 safety has emerged in the form of untraceable
23 firearms also known as ghost guns. One common method
24 of creating a ghost gun is through purchasing an
25 unfinished receiver, which is essentially 80% of a

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2 gun. From there all it takes is a quick trip to the
3 local hardware store one-minute Google search to find
4 what you need to complete the firearm. These guns
5 have no serial numbers making them especially popular
6 among individuals who are unable to purchase guns
7 legally. This makes them virtually untraceable by law
8 enforcement, and allows criminals to bypass
9 background checks and licensing laws. My legislation
10 will make it illegal to possess or to dispose of an
11 unfinished frame or receiver in New York City.
12 Violators will be charged with a misdemeanor
13 punishable by a maximum fine of \$1,000 or
14 imprisonment for a year or both. I really want to
15 thank—sorry—before I say that—California and New
16 Jersey are currently the only states that regulate
17 these weapons. New York City has the opportunity to
18 be at the forefront of this issue and set an
19 important precedent that other cities and states
20 should allow. I'm proud to sponsor the legislation
21 around—along with Council Member Miller, Chair
22 Richards and the Public Advocate, and I'm very
23 honored to have the support of Everytown for Gun
24 Safety and Moms Demand Action, and I am pleased that
25 the NYPD supports this legislation, and look forward

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2 to swiftly passing the law, and look forward to
3 hearing from you today. Thank you very much.

4 CHAIRPERSON RICHARDS: Thank you, Council
5 Member Rosenthal. You may begin. State your name for
6 the record and the organization you belong to. On the
7 mic there's a button. There you go.

8 NATALIE EISNER: Okay, I'm on. Okay. My
9 name is Natalie Eisner. I'm representing Moms Demand
10 Action. Like previously said, there is decrease in
11 gun violence, but people are still dying in our
12 streets. One life is too many. Many can agree that
13 there are a lot of unregistered and illegal guns in
14 our community, basically in black and brown
15 communities. Having an unregistered ghost guns and
16 being able to make it your own at home will only
17 exacerbate the issue in our community. This is just
18 another threat in our community. I personally know
19 how illegal and unregistered guns can impact our
20 lives. On September 15, 2011, my brother was walking
21 his girlfriend home where he was shot by two men by
22 two illegal guns. He was shot 15 times. He did not
23 survive. There are many children that die in our
24 streets everyday because of illegal and unregistered
25 guns. We should not have any more lives they are

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2 ghost guns. We should take preventative action. We
3 should not wait until many more lives and many more
4 funerals where we say we have to do more. We have to
5 do more now. Prevent it before it actually happens
6 to someone you love, your friends and even in your
7 community. Thank you.

8 CHAIRPERSON RICHARDS: Thank you for your
9 testimony.

10 MARIE DELUS: Thank you. My name is
11 Marie Delus. I always like to start with an
12 introduction. This is my Nephew Pia Portia Paul
13 (sp?), Jr. He was actually killed on November 11,
14 2008. He was killed in a Cambia Heights, Queens.
15 They actually found 10 bullets in the scene. So, he
16 was shot at 10 times, and 7 of the bullets actually
17 impacted his body. The one that killed him was the
18 one that hit his heart, and he was also walking with
19 a young lady that he just saw that he particularly
20 liked, and then they were just going into the
21 McDonald's on the corer of Springfield when the
22 perpetrator approached him from behind and shot him.
23 My family, I guess we were fortunate enough to get—we
24 get what we call justice because the perpetrator was
25 actually caught, but the perpetrator was caught

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2 because of eye witness. They didn't find the gun that

3 the perpetrator had, and if they find the gun at

4 least whether it has serial numbers or not at least

5 we would be able to identify the gun if it impacts

6 other people, right. If he shoots other people we

7 could—the gun will have a body. By having ghost guns

8 without serial number untraceable, that is going to

9 be nearly impossible. I should also note that I'm a

10 former Marine even though I'm not a combat vet, but I

11 am a former Marine of Desert Storm, and I'm also a

12 sharpshooter. So, I know how to mantle and dismantle

13 weapons. I've seen these guns. They could print out

14 every—almost every component except for the pin on

15 these guns. They could get the actual hardware from

16 anywhere to build. Eighty percent of the guns could

17 be built by ghost guns. I am a survivor a fellow

18 survivor and Natalie is a fellow survivor, and I also

19 want to say thank you to very much for actually

20 bringing these bills, and I want to thank Moms Demand

21 Action for being here, but as a fellow survivor, I

22 want to say that these gungs are going to make it

23 more difficult for officers to catch our killers—our

24 killers out there the killers, and I definitely would

25 love to endorse Intro 1553, and Intro 1548 to make it

1 COMMITTEE ON PUBLIC SAFETY 103
2 safer for us in New York City because they will come.
3 I know that they're—they—they talked about—the NYPD
4 talked about they already captured 27—in 2017, 32
5 ghost guns already here in New York. In 2018, 14.
6 Some people will say okay 32 to 14 is—is a decline
7 but then in 2019, we already have 21. It already
8 started. Now, we really need to do something. I do
9 not want anyone else to lose family members to gun
10 violence, and by having these ghost guns actually for
11 guns it's going to make it more and more difficult to
12 capture a perpetrator. I was lucky. Natalie, was
13 your—did they find the killer of your brother?

14 NATALIE EISNER: Only one was caught
15 because he [bell] it was basically people said it was
16 him, but there was another person that still wasn't
17 caught yet.

18 MARIE DELUS: And a lot of our survivors
19 have the same problem. We have a lot of survivors in
20 our group who have not been able to go and approach
21 it. It will make it a lot more difficult to catch
22 our perpetrators—the perpetrators that kill our
23 families with these guns. Thank you.

24 CHAIRPERSON RICHARDS: Thank you and I
25 share a common story with you. My childhood best

1 COMMITTEE ON PUBLIC SAFETY 104

2 friend was also murdered. You know, unfortunately,
3 they never found his killer. We know who it is.
4 Everybody knows who it is, but no justice.

5 LILIANNA ZARAGOZA: Good morning. Thank
6 you, Chairperson Richards and Council Members. I'm
7 actually here today to talk about Intro 2223 on
8 behalf of the NAACP Legal Defense Fund, the Bronx
9 Defenders and the Center for Constitutional Rights.
10 I'm particularly humbled to be here. I actually met
11 some Moms who Demand Action, and, you know, it's a
12 coincidence since—since I'm not commenting on that
13 bill, but the answer to tragedy in black and brown
14 communities is not over-policing, and perpetuating
15 pernicious stereotypes of black and brown communities
16 and youth. As Donovan Richards, the Chairperson
17 spoke about earlier today, we were here nearly a year
18 ago, and we talked about these same dangers, and—and
19 not much has changed. In fact, the Gang Database has
20 actually, has actually grown, and the NYPD we heard
21 them earlier today talk about how there are no
22 collateral consequences to this, but we know that now
23 it's about 98 almost 99% black and brown. It remains
24 that way, and the fact that there exists—that there
25 is an almost exclusively black and brown list, this

1 COMMITTEE ON PUBLIC SAFETY 105

2 inherently tells people it—it perpetuates the

3 stereotype both within NYPD and our community at

4 large that black and brown youth but also emerging

5 adults also equally are 25-year-old parents, a 45-

6 year-old uncle or father—father figure is a criminal,

7 a gang member or potentially a thug. And, although

8 the NYPD earlier said that there are on collateral

9 consequences, this database actually exposes people

10 to increased surveillance and scrutiny. And even

11 thought the NYPD testified earlier that they may not

12 be stopping people because they are simply on the

13 list, people are almost certainly targeted because of

14 it, or on high alert for these particular

15 individuals. So, today although I take—we take no

16 explicit position on the—on the bill introduced

17 today, we do think that it is a modest first step.

18 We appreciate the bravery of addressing this issue,

19 but we think that it's not only the monitoring of

20 minors that deeply troubling, it is the racial

21 imbalance, the race profiling that is equally

22 troubling, and the vagueness and overbroad contours

23 of the criteria that the NYPD talked about earlier

24 today. You know, repeatedly they assured us that

25 Chairperson Richards you would not be on the list,

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2 but last year you we told that you would be if you

3 simply wore red colors, the you viable data, and

4 earlier today they talked self admission. That is

5 certainly a possibility. You know, we'll just accept

6 that as true, but the—the reality is that individuals

7 on social media may be taking pictures with their

8 neighbors. They may be taking pictures with

9 individuals. They maybe sitting on their stoop, and

10 it may not simply that walk to the bus that we talked

11 about earlier, but you cannot help if your brother is

12 in a gang. What if, you know, you're going to help

13 the company [bell] that you keep, and the criteria

14 criminalizes innocent behavior, and it is unchecked?

15 So, under this bill we do have a concern that even

16 for the about 8% of individuals or perhaps 2% now

17 even for them, the NYPD ultimately has the sole

18 discretion about whether to provide notice, about

19 whether the exception for an active investigation

20 should apply without any additional oversight. And in

21 addition it provides no process or right for appeal.

22 We think that some of these elements are incredibly

23 important, we think that the racially

24 disproportionate impact and the—the complete

25 discretion run amuck for the NYPD without check is a

1 COMMITTEE ON PUBLIC SAFETY 107

2 problem, and for that, we would love to have a
3 further conversation about what needs to be done in
4 the future.

5 CHAIRPERSON RICHARDS: Thank you for your
6 testimony. Thank you.

7 LILIANNA ZARAGOZA: Thank you.

8 FAZIA SIDDIQUI: Good afternoon Chair
9 Richards and Council Members. My name is Fazia
10 Siddiqui, and I'm a legal intern for Girls for Gender
11 Equity. Thanks for holding this important Public
12 Safety Committee hearing, and giving me the
13 opportunity to speak today. Chair Richards, I would
14 like to thank you especially for your proposed bill
15 demanding NYPD transparency with respect to the so-
16 called Criminal Groups Database. Thank you for doing
17 the work to help us move towards a safer and more
18 accountable New York City. A GGE, we share a common
19 goal with your initiative to protect young people
20 from unethical and often unconstitutional race-based
21 policing. GGE is a Youth Development and advocacy
22 organization based in New York City committed to the
23 psychological, physical, social and economic
24 development of girls. GGE challenges structural
25 forces including racism, sexism, transphobia,

1 COMMITTEE ON PUBLIC SAFETY 108

2 homophobia, and economic inequities, which constricts

3 the freedom for expression and rights of transgender

4 and cisgender girls, and women of color. We are

5 offering testimony today to highlight the

6 intersections between the NYPD's gang policing

7 strategies, school policing and the so-called school

8 decision pipelines. Expanding is helpful, but it

9 does not fully capture the experience of girls and

10 non-binary youth of color. We instead use the term

11 pushout coined by Scholar Monique Moore to

12 characterize the race of girls and non-binary youth

13 end leaving school before graduation. When our young

14 people are arbitrarily added to the NYPD's

15 surreptitious Gang Database, they are preemptively

16 fast tracked into entering the juvenile often

17 illegal. The Gang Database is yet another system put

18 in place to incarcerate young people for non-violent

19 crimes under the guise of gang membership. Gang

20 association by itself is not a crime in New York, but

21 inclusion in the database is a well known police

22 tactic used to bolster a misdemeanor charge into a

23 felony. Chair Richards' proposed bill to create an

24 appeals process is a crucial first step towards NYPD

25 accountability. So, I urge Council Members to push

1 COMMITTEE ON PUBLIC SAFETY 109

2 this legislation even further by challenging the

3 criteria the NYPD uses for gang membership

4 identification in the first place. The process for

5 designating young people as a so-called identified

6 gang member relies on information for the school

7 safety agents and often unidentified outside agency

8 sources who provides little to no substantive-

9 substantive proof of actual gang membership. A hunch

10 based on solely colors, tattoos, scars, and

11 tangential associations with known gang members

12 should never be enough to condemn a young person to a

13 lifetime of NYPD surveillance. Last week the

14 Department of Education and the NYPD released new

15 Memorandum of Understanding to address the

16 problematic presence of school safety agents in

17 public schools. Per the MOU, NYP-NYPD personnel are

18 not permitted to interfere with non-criminal

19 misconduct in schools such as uniform violations,

20 low-level Marijuana possession or disorderly conduct.

21 This is a huge win for GGE'w work toward

22 significantly reducing NYPD's presence in schools,

23 and before we were discussing they're using Pushout

24 girls and women of color-color. [bell] [coughs] So,

25 in short I implore the City Council to take the

1 COMMITTEE ON PUBLIC SAFETY 110

2 NYPD's momentum in stride and work towards further
3 transparency—transparency in NYPD's surveillance and
4 database building. Thank you again for this
5 opportunity to speak.

6 CHAIRPERSON RICHARDS: Thank you so much,
7 and can you just speak to just a few more
8 recommendations you had on the database on this bill?

9 FAZIA SIDDIQUI: Sure so for example let
10 me actually turn to the—the particular flaws. Is
11 that—is that what you'd like to hear about.

12 CHAIRPERSON RICHARDS: Yes, yes. Sure.

13 FAZIA SIDDIQUI: Sure. So, you know, we
14 really think that obviously it's deeply troubling
15 that—that minors are on this database. That isn't
16 going today, you know, even introducing this bill
17 may—may do little if the NYPD is already starting to
18 kind of cull their list and remove minors. It is no
19 less troubling like that there are other individuals
20 who equally, you know, will—will not be given any
21 notice, and—and, you know, ironically I think it's
22 interesting that the NYPD earlier today talks about
23 the danger of notice but, you know, outside of, you
24 know, certain investigative tools that they may be
25 worried about. If people are being chilled from

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2 engaging in criminal activity because they know that
3 they're being surveilled, you know, what-what is the
4 problem? Isn't that exactly their goal?

5 CHAIRPERSON RICHARDS: Uh-hm.

6 FAZIA SIDDIQUI: So, in terms of having
7 this process be more transparent for everyone, I
8 think that it-that that can only be of interest for
9 everyone, and it would ensure that-that if they do
10 indeed want this list to be, you know, a few hundred
11 people, people who they talked about, I think it was
12 in the hundreds of people who have committed
13 homicides. For example, you know, if that's the goal
14 that is-this database is not-is not working toward
15 that end. You know, I find the-the database to be
16 inherently problematic even for the minors that this-
17 that this bill is intended to benefit the notice
18 requirement. So, the exception for active criminal
19 investigations, in the context of-of gang policing
20 and enforcement, you know, this is really
21 characterized by, you know, the mass raids that-that
22 earlier today we were talking about-NYPD was about as
23 being incredibly effective. I'm not sure if that is
24 actually the case particularly in light of I know
25 Professor Howell who will be speaking later today

1 COMMITTEE ON PUBLIC SAFETY 112

2 issued the Bronx 120 Report in April and, in fact,

3 there's—there's no requirement that any crime be

4 committed at all, and within the—the mass legal

5 indictments that, you know, have been coming down

6 after for example the Bronx 120, many individuals,

7 you know, allocated to—to very low level conduct,

8 perhaps selling Marijuana, right, and so, in terms of

9 the sweep for the potential, you know, the potentials

10 for the NYPD to say no we won't give notice even to

11 minors because there's an active criminal

12 investigation, you know, is there is there an

13 investigation six degrees of separation from that

14 particular minor, right. What does that—what does

15 that mean? When will the exception apply? It could

16 swallow the rule of notice in the first place. And

17 then, you know, even if there is notice, there—that

18 is complexly within the discretion of the NYPD to,

19 you know, once—once that notice is given, the burden

20 is also on the child and the family potentially to

21 contest this designation. It's unclear, you know,

22 from the bill and from—from how the NYPD is operating

23 the secretive Gang Database whether, you know, what

24 level of information the family would be given.

25 There's an information like symmetry, right where

1 COMMITTEE ON PUBLIC SAFETY 113

2 they wouldn't necessarily even be able to conduct it
3 even if the individual is not in the database.
4 Finally, I discussed a little bit earlier about how
5 there's no, you know, listed process to appeal.
6 There's no oversight, right. Inherently now in the
7 Gang Database there's no oversight over the initial
8 designation. Under this bill there's also no
9 oversight over the NYPD's internal kind of review of
10 whether notice should be given or whether the
11 designation was erroneous. So, I think that that is
12 one-one big issue, right, the transparency—the
13 transparency in reporting. So, we—we do appreciate
14 that, you know, I think it's Subsection D of the
15 bill, which talks about reporting every year to the
16 City Council, and then providing certain information
17 online, but the reality is that that this is really
18 functioning as black box in so many ways that even,
19 you know, providing a little bit of due process may
20 be a hollow victory because it—it just simply might
21 not be feasible to attack something that you don't
22 know enough about.

23 CHAIRPERSON RICHARDS: And I think that's
24 the purpose of--

25 FAZIA SIDDIQUI: Right.

1 COMMITTEE ON PUBLIC SAFETY 114

2 CHAIRPERSON RICHARDS: --at least getting
3 it.

4 FAZIA SIDDIQUI: Right.

5 CHAIRPERSON RICHARDS: It's not been easy
6 to get there, [laughs] but at least starting to move
7 it into that direction, and at the end of the day I
8 would love to see it abolished period--

9 FAZIA SIDDIQUI: And we think--

10 CHAIRPERSON RICHARDS: --but, you know,
11 we're going to take these steps that we ensure that
12 there's more transparency as of now because it's
13 right now, you know, we're just starting to get there
14 around it, right? I mean you've been doing the work
15 around it. I commend all the advocates. So, look
16 forward to working with you further to keep chipping
17 away at this. Thank you for all you've done. Thank
18 you all for coming out.

19 FAZIA SIDDIQUI: Thank you.

20 CHAIRPERSON RICHARDS: Thank you, thank
21 you.

22 CHAIRPERSON RICHARDS: Alrighty, thank
23 you. Next panel Albert Cahn, Surveillance Tech
24 Oversight Project; Fidel Gorman, Just USA. I think
25 that's right. Alright, Yung Mi-Yung-Mi Lee, Brooklyn

1 COMMITTEE ON PUBLIC SAFETY 115

2 Defender Services. Alex Watalli, Policing and Social
3 Justice Project, Brooklyn College. [pause] Alex.

4 ALEX VITALE: Vitale.

5 CHAIRPERSON RICHARDS: Vitale, Vitale,
6 Alex Vitale. Oh, here you go. Yes, come on down.

7 Alright. Is that four? Okay. [pause] Come on down
8 Alex. Alrighty, you may begin, Albert.

9 ALBERT CAHN: Good afternoon. My name is
10 Albert Cahn, and I'm the Executive Director and
11 Founder of the Surveillance Technology Oversight
12 Project at the Urban Justice Center. We're a non-
13 profit advocacy group that fights for New Yorkers'
14 civil rights and privacy and we really commend Chair
15 Richards and the Committee for taking these important
16 steps to protect New York's privacy both through the
17 reform of the Gang Database and through the measures
18 to reform so-called perp walks, which allow the NYPD
19 to really have tremendous power to coerce criminal
20 suspects who have not been indicted or let alone
21 convicted of any crime. My remarks are going to be a
22 shorter excerpt of the longer statement I've
23 submitted to the record, and with the Gang Database
24 I—from our perspective as a privacy organization we
25 see the current Gang Database as nothing less than

1 COMMITTEE ON PUBLIC SAFETY 116

2 the continuation of Stop and Frisk. It is digital
3 Stop and Frisk. It a systematic effort to try to
4 over-police communities of color that have endured
5 this sort of mistreatment by law enforcement not for
6 years but for decades, and the measures we see the
7 committee reviewing today are important. They're a
8 crucial first step, but like my colleagues from the
9 civil rights community we believe that they are only
10 a first step that further reforms must be include
11 protections for the adults who wrongly included in
12 the database. You do not age out of core
13 constitutional rights. You do not age out of the
14 need for due process, and the adults who are wrongly
15 labeled as being affiliated with gangs simply because
16 of where they live or because of the color of their
17 skin or the clothes that they're wearing. Those
18 individuals, those New Yorkers deserve the right to
19 have their names cleared, and at this moment where we
20 see the Trump Administration attacking communities—
21 immigrant communities, using information often from
22 local and state agencies the need to end this
23 database or at the very least expand protections to
24 all New Yorkers is quite crucial. With regards to
25 process, we view it as completely unconstitutional to

1 COMMITTEE ON PUBLIC SAFETY 117

2 have a process by which police officers are able to

3 tarnish the reputation of New Yorkers who have not

4 had their day in court. People deserve trial in a

5 court of law not trial by the court of public

6 opinion, and we believe it is essential to end this

7 practice, which we know has been used to attack in

8 some cases irreparably, the reputations of so many

9 New Yorkers arrested for crimes they never committed.

10 This practice has no place in our city, and it must

11 end, and these measures are crucial, but they deal

12 with specific silos of privacy concerns, and we at

13 STOP believe that systemic privacy reforms are

14 needed, and that's why we would also like to bring

15 the committee's attention to the POST Act Bill we've

16 been championing since we were founded, a bill that

17 provide system privacy reforms against NYPD data

18 collection surveillance, a bill that would be one of

19 the weakest police oversight bills on surveillance in

20 the country, and long overdue, but as with the Gang

21 Database reforms, it would be an indispensable first

22 step and at a moment when progressive cities across

23 the country like Oakland and San Francisco are taking

24 radical steps, progressive steps, are banning facial

25 recognition, banning some of these technologies. The

1 COMMITTEE ON PUBLIC SAFETY 118
2 POST Act is indispensable because while it doesn't
3 ban a single tool, while it doesn't stop the NYPD
4 from conducting surveillance, it creates due process,
5 it creates standards, it creates privacy protection
6 and it creates the framework to have further reforms
7 because as the Gang Database has show us, when we
8 allow these tools to operate without oversight,
9 without regulation and without redress, the pattern
10 of discrimination is quite clear. Thank you very
11 much.

12 CHAIRPERSON RICHARDS: Thank you so much
13 for your testimony. [bell]

14 YUNG MI-LEE: Thank you. Good afternoon.
15 My name is Yung Mi-Lee. I'm a Supervising Attorney at
16 Brooklyn Defender Services. I want to thank you for
17 inviting BDS to give testimony. Today, I'd like to
18 focus my comments on 2223 in relation Gang Database
19 notifications. My written testimony goes into
20 greater detail on this and other legislation that's
21 under consideration today. BDS urges the Council not
22 to advance this legislation and instead to meet with
23 advocates and experts who have been working to
24 address so-called gang enforcement in our city.
25 Collectively, we have urged the city to abolish the

1 COMMITTEE ON PUBLIC SAFETY 119

2 Gang Database, a Criminal Group Database. At a

3 previous hearing BDS testified before this committee

4 and we called for an end to profile based policing

5 and a reallocation of resources towards supporting

6 rather than profiling marginalized communities. This

7 bill, which appears to be well intended, with

8 entrenched gang designations as legitimate, and would

9 create an extremely limited and possibly ineffectual

10 process for subgroup of New Yorkers to determine

11 whether they have been included in this database, and

12 only then petition to the NYPD to be removed subject

13 to the complete discretion of the department, which

14 originally included them. Specifically, the bill

15 directs the NYPD to notify—to notify only those 17

16 and under if they have been into the Gang Database,

17 inexplicably leaving out New Yorkers and other age

18 groups, and offers the department two broad

19 exceptions that may completely swallow the new rule.

20 It creates a very limited mechanism to contest the

21 gang label, but only for those in this age group who

22 have already received notice from the NYPD and gives

23 the department full discretion to reject the petition

24 with no due process or standards. In short, the bill

25 allows NYPD to police itself with no other oversight.

1 COMMITTEE ON PUBLIC SAFETY 120

2 The mechanism of relief is more limiting than
3 existing Article 78 challenges, which New Yorkers of
4 any age may pursue. The significant challenges of
5 filing and winning an Article 78 are not improved
6 upon in this legislation. Lastly, this legislation
7 would establish in law an extremely broad definition
8 of a gang. It would define gangs as formal or
9 informal groups of three or more people who commit a
10 crime and, for example, follow the same clothing
11 trends. Given the expansiveness of our criminal
12 legal system, this definition would include nearly
13 anyone, but we know that predominantly black and
14 Latino people would be targeted particularly if this
15 definition is later used in sentencing in sentencing
16 enhancements—sentencing enhancement legislation or
17 additions to the Penal Law. We all know that almost
18 99% based on prior testimony of those in the Gang
19 Database are black or brown. This legislation would
20 also require annual reporting of this data. Yet
21 important questions would—would remain include—
22 including how does one get entered into the cluster
23 housing and how does one get out? These federal
24 agencies including ICE have access to this database.
25 There was testimony from NYPD earlier today stating

1 COMMITTEE ON PUBLIC SAFETY 121
2 that they do—they do not share this information with
3 law enforcement—with prosecutors, ICE, federal
4 agencies. However, as a practicing criminal defense
5 attorney, I have seen this information being shared.
6 It's in the police reports, and if you are arrested,
7 and it appears that more than 90% of these people in
8 the database have been arrested, it's clearly shared
9 with—with the prosecutors. It's in there. The
10 prosecutors use it against our clients. I've also
11 seen it being used against complaining witnesses
12 because they are sometimes also in the database, and
13 that works against them. The Gang Databases and
14 gender mass surveillance, extremely harsh treatment
15 in the criminal legal system, and ultimately
16 increased marginal—marginalization, which do not
17 improve public safety. I was going to talk about the
18 Bronx 120 Report, but I just heard that Dave Howell
19 will be testifying. So, I will leave that portion to
20 her. Thank you very much.

21 CHAIRPERSON RICHARDS: Thank you so much
22 for your testimony.

23 ALEX VITALE: Good afternoon. My name is
24 Alex Vitale. I'm a Professor of Sociology. I teach
25 in sociology and author of those kinds of studies,

1 COMMITTEE ON PUBLIC SAFETY 122

2 Department and offer those kinds of studies (sic)

3 Department at Brooklyn College where I coordinate the

4 policing and Social Justice Project as well, and

5 we've played coordinating role on the work on trying

6 to investigate and critique gang policing in New York

7 City, and we've been doing that work for the past

8 three and a half years. I've been working policing

9 issues for the last 30 years in a variety of

10 capacities domestically and internationally. Last

11 year we gathered before this committee to send a

12 strong message that the NYPD's use of the Gang

13 Database is deeply problematically-problematic and

14 needlessly harms those placed on it while undermining

15 the long-term health and safety of communities. The

16 NYPD has yet to provide a clear and comprehensive

17 explanation of who is on this database, why they were

18 placed there, and what purpose the database serves.

19 Despite the testimony today, I would argue. Despite

20 this lack of transparency we have learned many

21 disturbing things about the database that others have

22 chronicled and will continue to chronicle during this

23 hearing. So, I will skip my list for now. The bill

24 before you today fails to adequately address any of

25 these problems. While it calls for the possibility

1 COMMITTEE ON PUBLIC SAFETY 123
2 of notification involving juveniles, which are told
3 now make up less than 2% of the database, it leaves
4 the decision about that at the discretion of the
5 NYPD, which has made it clear that they view everyone
6 on the database as there for investigatory reasons,
7 and therefore, would be eligible for the exclusions
8 that you have put in the language of the bill. Thus,
9 making it moot. I appreciate the desire of the
10 committee members and staff to address some of our
11 concerns, but this bill does not do that, and
12 therefore, I cannot support it. A much more
13 comprehensive approach to the database is needed that
14 include—that could include eliminating its use and
15 existence altogether. Several jurisdictions around
16 the country have ended the use of such databases or
17 significantly restricted their role, and provided
18 great due process protections than are contained in
19 this bill. Before such comprehensive bill could be
20 produced wherever we need it, a great deal of
21 additional information about the nature of this, we
22 have spent the last two years urging the Office of
23 the Inspector General of the NYPD to undertake such
24 and investigation, and it is my hope that one is
25 underway. Similar investigations in other cities

1 COMMITTEE ON PUBLIC SAFETY 124
2 have uncovered wildly inaccurate information, racial
3 bias in the formation of the database, and abusive
4 and illegal practices based on the information in the
5 database, and I've provided references to a number of
6 such reports of abusive gang database practices.
7 Therefore, I urge the committee to withdraw this
8 bill, and upon the completion of the OIG
9 investigation to meet with advocates working on this
10 issue to develop both a comprehensive response to the
11 database that builds on best practices nationally,
12 and an overall re-evaluation of how the city of New
13 Yorker responds to the very real problems of youth
14 violence in our communities. We need additional
15 investment in non-punitive community based
16 interventions such as Cure Violence initiatives,
17 family supports, housing stability and high quality
18 health services including trauma counseling, not more
19 criminalization of young people. Thank you.

20 CHAIRPERSON RICHARDS: Thank you.

21 FIDEL GUZMAN: Chairman Richards and
22 member of the New York City Council on Public Safety.
23 My name is Fidel Guzman. Thank you for the
24 opportunity to speak to day. I'm here today to
25 express I'm totally against this bill T2018-2223.

1 COMMITTEE ON PUBLIC SAFETY 125

2 Based on my life experience as a former gang member,
3 I was a member of the Bloods. I live in neighborhood
4 that's Bloods, Crips, Lion Kings and the Dalios.
5 There is not a safety problem, everybody. I got
6 people on my block. Everyone on my block drives,
7 everyone is working. I'm a native New Yorker from
8 Harlem now Community Organizer for Just Leadership
9 USA. I've been working with the Close Rikers Island
10 Campaign since it first started. A lot of my friends
11 have been caught up in the Gang Database and the gang
12 raids. Friend that I grew up. I got 20 years. I
13 was just 16 years—I was just 16 years old. I was
14 incarcerated with them. I know that they feel that
15 society gave up on them. I never met a so-called
16 criminal. I only met human beings that society gave
17 up on them before they can expect—expand their full
18 potential. The Gang Database is a stop and frisk
19 2.0. It's a sign that the city has given up, but our
20 community can't give up. We understand young people
21 need resources especially in a crucial teen and young
22 adult. Knowing that their brains doesn't fully
23 develop until 25. When a white kid with resources
24 get in trouble they are—they are bailed out and
25 access to therapy. When a Black and Latin kid get in

1 COMMITTEE ON PUBLIC SAFETY 126
2 trouble put in the School to Prison Pipeline. That's
3 now including the database. I understand the
4 intentions of this bill to limit harm and build
5 transparency and accountability, but what this lacks,
6 the impact that we need we—we need—we are encouraging
7 that if you want to do something, we ask you that you
8 look at the people that have been the most harm on
9 the war on gangs that's been targeting and
10 dehumanizing young people that's black and brown.
11 Impact the communities is being the right advocates
12 in the defense organizations. We—we are saying to
13 eliminate and abolish the Gang Database. This will
14 allow the NYPD to continue undermining the safety of
15 our community. To begin with, only kids 18 years old
16 and younger that are informed that they're in the
17 database, it's unfair to all people. Then again the
18 database they have the power to deny notification for
19 anyone who is in a Gang Database. One thing that I
20 haven't seen is a major question is about how many
21 people are in that Gang Database that have jobs,
22 right. How many people are in there that lost family
23 or—had family that's incarcerated? A more deep
24 root asked questions about that, and I want to argue
25 about the NYPD how they operate in their community

1 COMMITTEE ON PUBLIC SAFETY 127

2 policing. If the community policing is actually

3 stopping in front of or parking in front our

4 neighborhood, then that is not community policing,

5 and I also want to put this up in the air. This bill

6 community platform that does leadership also [bell]

7 with 50 organizations that went to all five

8 communities. They asked all five communities what

9 does safety look like, or what does a healthy

10 community look like. We also because I work on the

11 Close Rikers Island Campaign, we know there's going

12 to be 540 men and guys left over. We have something

13 really major. We have people who were gang related

14 former gang members, people from the community

15 organizations asking real serious questions of people

16 in the community: What does it look like to have

17 more investments in the community. As a person who

18 has really been impacted by, you know, not by the

19 Gang Database, but what they used to have a gang

20 book. That has a really intention for us as New York

21 City to be bold and create what it exact need to be

22 safety—a safe community, and a safe community doesn't

23 mean having the police, you know, criminalize or

24 watch over us. What it really looks like--and this is

25 a 30-page paper—is more investments in our community,

1 COMMITTEE ON PUBLIC SAFETY 128

2 and this is coming from someone who was a former

3 Blood, and the last thing I really want end this out

4 as, there's a lot of Bloods and Crips and Lion King

5 and Padres who are working at non-profits right now

6 who are starting—who started their businesses, and

7 also working or going to Wall Street with suits. This

8 is—I think there's a false idea that the NYPD is

9 saying that people are not reachable, and I think I

10 want to really challenge that because the problem

11 becomes when we start looking at people who are black

12 and brown or in that they need the right services

13 that everyone else needs. The basic three pillars to

14 be successful in life. I put on the table a real

15 folding (sic) document and they closed on them. So, I

16 think there's a—I—I have to say that and I know

17 there's a lot of people that are not here right now

18 who are, you know, Crips and Bloods because they feel

19 like this is not the space for them, and I really

20 just want to encourage them out there to really know

21 that if we're serious about building our community,

22 then we have to do it through the deep roots of

23 what's keeping our community underfunded, over-

24 incarcerated and over police, and lastly, I want to

25 end at—I'm sorry it's—you have an individuals that's

1 COMMITTEE ON PUBLIC SAFETY 129
2 in front of you that the police talked about like I
3 was a number that I talked-that they talked about
4 like I was an animal, and you have someone who is in
5 front of you who have experience and been through a
6 lifestyle of being a Blood, growing up in a lifestyle
7 where all my friends was Blood, and it never just
8 started just as being Blood. It was just started
9 from us coming back and forth from school together,
10 and what happens, the label of gang started existing
11 when police are criminalizing and stopping us, and
12 not asking us what is our basic need as human beings
13 to be successful?

14 CHAIRPERSON RICHARDS: Thank you for your
15 testimony. An encouraging story. Council Member
16 Rosenthal, you have a question.

17 COUNCIL MEMBER ROSENTHAL: I do want to
18 thank everyone here for really powerful testimony.
19 Basically, I just wanted to ask you specifically
20 about the bills that I've sponsored, which you-which
21 Brooklyn Legal Defense's Defender Services is
22 opposing which is 1553 about the ghost guns.

23 YUNG-MI LEE: Yes.

24 COUNCIL MEMBER ROSENTHAL: I've read your
25 testimony here, and if you could tell me more about

1 COMMITTEE ON PUBLIC SAFETY 130
2 the opposition—if you could tell me more—if you could
3 explain a little better to me. I mean I've read
4 prosecution of New Yorkers who might be
5 unintentionally owning the receivers or rodnicks
6 (sic) is that—is that super frequent? Is that
7 something that's happening in communities that we
8 need to be mindful of or do you think that's
9 happening in arenas where are going to be vulnerable
10 to police intrusion?

11 YUNG-MI LEE: I think the concerns is
12 that many different types of objects can be
13 criminalized and—and really the focus should be more
14 on whether it's a true weapon in the sense that it's
15 operable. So, if there's just a piece of what may be
16 a weapon or that may be perhaps a component of
17 weapon, which could an already inoperable antique
18 gun, and the can be criminalized. So, there's a—
19 there's a concern that it's overbroad, and we would
20 urge the Council to focus on also the intent. There
21 should be the unlawful intent to make a weapon that
22 can cause physical injury or—or obviously death, but
23 also on whether it's a real weapon and whether and
24 whether it is, in fact, operable at that moment where
25 it can then cause that physical injury.

1 COMMITTEE ON PUBLIC SAFETY 131

2 COUNCIL MEMBER ROSENTHAL: It's a
3 challenging line, right because you could see a home,
4 and we've heard stories about this. We know that of
5 instances of this where yes they're inoperable pieces
6 in one moment, and if you read it I guess in your
7 home and you hide the other component and parts where
8 you're building a gun, hypothetically they're not in
9 use, but I just—I'm trying—I'm really trying to
10 understand who's owning something that doesn't have a
11 serial number on it that is something that could be,
12 you know, in five minutes you could create a gun with
13 it with a few pieces that you get from the hardware
14 store what is that object?

15 YUNG-MI LEE: I understand what you're
16 saying. I think our concern is that there are
17 components that just because of where that piece
18 belongs and the entire weapon that's built that's
19 just do not have a serial number. Not every
20 component. The serial number is in one place on one
21 complete weapon, but there might be components that
22 don't necessarily have that. So, our concern is that
23 it's too—its overbroad, it's too encompassing. It
24 can capture a lot of innocent possession of and in
25 the Penal Law there is a defense where if you are in

1 COMMITTEE ON PUBLIC SAFETY 132

2 possession of an antique gun even that that's a
3 difference. So, that's our concern that it might
4 capture too many people that merely innocent
5 possession of certain objects might be criminalized.

6 COUNCIL MEMBER ROSENTHAL: I need to
7 follow up with you--

8 YUNG-MI LEE: Sure.

9 COUNCIL MEMBER ROSENTHAL: --on this. I
10 mean I understand the words you're saying--

11 YUNG-MI LEE: Yes.

12 COUNCIL MEMBER ROSENTHAL: --but I think
13 what I'd like to see are examples of those
14 situations, who we're talking about that's in those
15 situations, and whether or not they have the ability
16 to explain away what they have.

17 YUNG-MI LEE: Sure.

18 COUNCIL MEMBER ROSENTHAL: I mean
19 obviously we don't want to over-criminalize people,
20 but I don't understand this application in this
21 particular case where there's so much damage done by
22 people right now having unsterilized guns and being
23 able to get away with having those parts, and in
24 their home possession of it with the intent, as you
25 say, making an operable gun for the purpose of

1 COMMITTEE ON PUBLIC SAFETY 133

2 killing people in the instances that we heard about.

3 So, I really need to understand this further. I want
4 to understand it further, but I look forward to
5 meeting with you about it.

6 YUNG-MI LEE: Okay.

7 CHAIRPERSON RICHARDS: Thank you, thank
8 you all for your testimony, and we're going to go to
9 the next panel Professor Dave Howell, CUNY School of
10 Law; Victor Dempsey, Legal Aid Society; Talon Murphy,
11 Legal Aid Society; Craig Lewis, Legal Aid Society.
12 I'm going to really ask everybody because out of this
13 room by 1:00 to really try to adhere to the three
14 minutes.

15 CHAIRPERSON RICHARDS: [background
16 comments] Okay, okay. I guess I could bring up--
17 [background comments/pause] Okay. You may begin.
18 Press your button.

19 DAVE HOWELL: I'm Dave Howell. Thank you
20 so much for taking on this incredibly important issue
21 for being brave enough to know and to recognize that
22 the label gang, the title Precision Policing does not
23 allow the NYPD to move forward with impunity playing
24 on our fears on our trust. As you mentioned earlier,
25 other cities have abolished the Gang Database.

1 COMMITTEE ON PUBLIC SAFETY 134

2 You're probably asking why the crime go down, and I

3 was like oh, I should look that up, but I think we

4 would have heard if-if crime had died off of it. I

5 will check into that. New York City, New York State

6 itself in 2010 prohibited the NYPD from keeping a

7 database of everyone they stopped or Stopped and

8 Frisked in the absence of a criminal summons for

9 arrest. That's New York Penal Law New York Penal Law

10 140.50 (4). There's precedence for preventing

11 electronic database maintenance of the NYPD of people

12 who are not accused of criminality or not in that

13 situation accused of criminality. Gang Databases

14 that have not yet been abolished show signs of the

15 same kinds of weakness we see in New York City Gang

16 Databases. A California audit, Chicago Audit and the

17 International report on the London Gang Database all

18 of these show that many, many of the people in the

19 Gang Databases do not have criminal histories, and

20 they're overwhelmingly Black or Brown. New York City

21 takes the cake with 99% Black and Latino. I would

22 urge that we await the Inspector General Eure's

23 Report. One of my colleagues said, you know, we're

24 trying fix this. It's like doing surgery before you

25 the MRI results. So, while I appreciate the—the

1 COMMITTEE ON PUBLIC SAFETY 135

2 steps towards trying to know the rate the harm to the

3 Gang Database, I with my colleagues would propose

4 waiting and getting the Inspector General's Report.

5 We're letting them know we'd like it as soon as

6 possible and meeting more with the affected

7 communities. We've heard a lot about the Gang

8 Database. In my submission I will include the IDS

9 Gang Datasheet, Gang Data Entry Sheet, which they

10 gave me in 2013 in response to a FOIL. Everything

11 they say suggested those are still the criteria being

12 used. Self-admission, which to be clear they do

13 select these kids. They stop them, you know, you're

14 hanging out with these, or you're—who do you roll

15 with, et cetera, et cetera. So that makes you. I

16 saw on social media. I'm going to force you to

17 unlock your phone, et cetera. They—this self-

18 admission may very well just be I saw on our social

19 media X image, which I say makes you a gang member

20 and you're representing. A very interesting thing

21 [bell] that obscures the notion that there—that

22 these—this database is not based on association and

23 appearance if they keeping repeating that the average

24 arrest—number of arrests or Gang Database entries or

25 are 11 arrests. That is a huge number of arrests,

1 COMMITTEE ON PUBLIC SAFETY 136

2 and when Operation Crewcut was announced, then—then

3 Chief Commissioner Kelly said we will stop these for

4 everything, for riding bikes on the sidewalks for

5 everything to try to get information. They're

6 stopping, they're debriefing them. Being in the Gang

7 Database makes these kids incredibly vulnerable. Now,

8 they say it's precision and I just finished a report

9 and I will leave copies with you. The Bronx 120 was

10 supposed to be the biggest gang takedown of two

11 violent Crews in the Bronx. 120 people were swept up

12 in a militarized pre-dawn raid, their families

13 traumatized, doors broken in, slashed balconies,

14 helicopters above, slot keys. Sixty of those people

15 were not gang members according to the prosecutor's

16 submission. Eighty were not convicted based on any

17 kind of violent conduct only about one in six was

18 convicted of possession—possessing a gun. Many of

19 them not accused of using the guns. So, the notion

20 that this is precision is totally a nonsense label

21 that we do need to resist. The report has more

22 details, but despite the fact that two-thirds have

23 never had a felony conviction before growing up in

24 the--this neighborhood heavily policed all but five

25 ended up with felony convictions. Three were

1 COMMITTEE ON PUBLIC SAFETY 137

2 declined prosecution, two were allowed to plead to
3 misdemeanors, two went to trial and got a felony
4 conviction after trial, and in each of those cases
5 the evidence was so weak that I think if you had
6 tried to it with the whole Rico conspiracy in the
7 state court appears, they would have come out not
8 guilty on most or all of the charges. Many of the
9 people convicted for the felonies had Marijuana
10 distribution as the basis of their narcotic felonies
11 and repeat prosecution for conduct that happened
12 before and it was adjudicated in New York State's-
13 State Courts. So, someone who finished the programs
14 and finished probation double jeopardy does not bar
15 those retrials, and at least half of them were
16 retrials-retried for-for previous conduct. I do have
17 a quick

18 CHAIRPERSON RICHARDS: You're going to
19 have to wrap up.

20 DAVE HOWELL: Okay. The-on the specific
21 proposed I would ask you to hold back because there's
22 a risk of increasing youth vulnerability to gangs.
23 Police labeling-you mentioned you were afraid of your
24 mother. In some of these cases kids are in foster
25 care or with guardians. They could get thrown out on

1 COMMITTEE ON PUBLIC SAFETY 138

2 the street with inaccurate gang allegations. Even
3 accurate one can make parents respond punitively and
4 push kids into gangs. Inaccurate or accurate put
5 them in—in pre-trial detention in gang units. The
6 best way to increase gang violence is to do what the
7 NYPD are doing in terms of suppressing gangs. You're
8 putting out fire with gasoline here. So, I would say
9 that there is no safe way to notify minors, and it
10 should and—and this should at least abolish as to
11 minors and then if you—if you must comprise, you
12 know, notice and real due process for adults. And
13 then finally we know New York has been successful.
14 Why do we now have so much gang? What brought it
15 down? Those were questions that were being asked
16 earlier. We used street outreach workers in the '50s
17 and '60s. We now have Cure Violence. They told you
18 to Stop and Frisk, Broken Windows all these things
19 prevented crime, and now they're telling you
20 Precision Policing was really started last week, you
21 know. We know what to do. The City Council has been
22 very supportive of those good efforts, and I would
23 say put more effort there. Bring gangs even into the
24 States as Ecuador and Barcelona have done. Work with

25

1 COMMITTEE ON PUBLIC SAFETY 139

2 them because they are members of our communities who
3 can and will contribute. Thank you.

4 CHAIRPERSON RICHARDS: Thank you.

5 VICTOR DEMPSEY: Good afternoon. My name
6 is Victor Dempsey. I'm the Community Organizer for
7 Legal Aid Society's Criminal Justice Unit. As you may
8 know, we work directly with the Cure Violence sites
9 in all five boroughs, which is 24 sites at this
10 moment. The Legal Aid Society submits its testimony
11 to the Committee on Public Safety to share
12 perspectives on why the proposed law to amend the
13 Administrative with the city of New York in relation
14 to providing notice of minors including the Criminal
15 Group Database was insufficient to address broader
16 problems of having the database and being labeled
17 gang involved. We thank Chair Richards for the
18 opportunity to address this important topic. I won't
19 take up too much time, but I do want to give some key
20 points that are very key to us. We know for a fact
21 that this is over-inclusive and inaccurate, too, of
22 law enforcement. This unfortunately targets black
23 and brown youth. We're working with our Cure
24 Violence sites in all these boroughs. We have a
25 direct line and it's open communication in

1 COMMITTEE ON PUBLIC SAFETY 140
2 relationship to all the communities that it is
3 directly affecting. We see these cases numerously.
4 We have clients and community members who come up to
5 his being our legal agency in that area and speak
6 directly about these cases. I worked at the Cure
7 Violence organization enforcement and it has allowed
8 us to do so also. We know right now that—sorry. It’s
9 really good. We know right now that doing workshops
10 going into the communities, training youth, putting
11 everybody—bringing awareness to what’s going on, we
12 start to there and day what the youth comments have
13 to say, Well, this is what I noticed, and this is
14 what’s been happening to me. A lot of times there
15 are criminal investigations that are happening. So, I
16 listened to the testimony prior or a little bit
17 earlier today, and I can see that being in
18 contradiction there. We have youth come up to us
19 that’s being targeted because they may know someone
20 else in the communities, and they’re being shaken
21 down by officers trying to get to someone else in
22 some cases. We’ve also seen instances where this
23 label is targeting these folks, and allowing, and not
24 allowing them to move forward in their lives whether
25 they were prior affiliated or associated or not. I—I

1 COMMITTEE ON PUBLIC SAFETY 141
2 shared a testimony with you all. I would like if you
3 can turn to Exhibit 1 on page 11. Legal Aid has
4 launched a four-year Self Campaign where we have
5 allowed folks in a community to FOIL themselves to
6 ask NYPD if they are on this database. On that
7 exhibit on page 11, you can see from the NYPD's
8 language their responses to us. I don't know if you
9 have it. [coughs]

10 COUNCIL MEMBER MILLER: [off mic] Page
11 11?

12 VICTOR DEMPSEY: Yes, page 11. [pause]
13 Well, page 12. Sorry. [laughs] It's next to it.
14 Yeah, so those—those are responses and Appeal
15 Responses from NYPD. We know from our own FOIL
16 submission is that the NYPD does not comply with FOIL
17 requests, and that they used the same boilerplate—
18 boilerplate responses to the 90 petitions for removal
19 under this bill. We've done over 350 requests
20 submitted and ever single one of them has been
21 denied. We do this so we can empower the communities
22 to know if they're being targeted or to know if
23 they're being house to the database just to give them
24 the opportunity to either change their lifestyle or
25 change patterns or also connect them with our Cure

1 COMMITTEE ON PUBLIC SAFETY 142

2 Violence sites. We have been denied the access by

3 NYPD under this law as well, which is very

4 concerning, and really to point out when they do

5 respond they're such language blatantly saying if

6 this goes, it will reveal now routine techniques and

7 procedures. So, in this we take it that they're

8 acknowledging the fact that they're surveilling folks

9 unwilling and not giving them any type of due process

10 to move on from it. I do also want to point out when

11 it comes to sharing data as well, unfortunately, we

12 know that's a blatant lie. I've used that term

13 previous. The reason why because the clients that we

14 work with regularly they come to us then with housing

15 issues. If someone has been accused of being

16 affiliated, NYCHA is trying to kick their families

17 out. They're putting them on permanent schools and

18 lists. We also know that it does affect folks'

19 employment. We have clients that's come to us where

20 they tried for a school safety or things of that

21 nature, and they're getting this information within

22 the department, and they're saying they're being

23 washed out from just applying to that with no

24 criminal activity or no priors as well. We are

25 willing to submit that information, and it will be

1 COMMITTEE ON PUBLIC SAFETY 143

2 redacted, of course, but we do want to provide that
3 as well.

4 CHAIRPERSON RICHARDS: Can I ask you to
5 wrap up?

6 VICTOR DEMPSEY: No problem. Lastly, I
7 wanted to— Lastly, I'll just say we feel this bill—
8 this bill is insufficient to address the larger
9 problem with the database, and it will create a
10 burden for the minor to begin the petitioning process
11 when it really should be something that's automatic
12 like the errand. (sic) So, we just say from Legal
13 Aid we do not like want this bill to be passed, and
14 we think there are alternatives that we're looking
15 into, and look forward to talking to you about it
16 later.

17 CHAIRPERSON RICHARDS: Great.

18 CRAIG LEWIS: Good afternoon. It's a
19 pleasure to speak to you guys on this situation—this
20 serious situation. I'm directly speaking on the Gang
21 Database and gang policing and Precision Policing.
22 My name is Craig Lewis. I was directly affected by
23 gang policing, and the Gang Database. I was swept up
24 in a federal gang sweep due to my childhood
25 interactions with my friends. I was a part of the

1 COMMITTEE ON PUBLIC SAFETY 144

2 Bronx 120 that she just spoke about. My evidence was

3 Facebook post, using videos and the government's

4 interpretation of my Wiatel. I had no criminal

5 record, and I was in school for six to seven years.

6 I was in grad school when they came for me. I had

7 one more semester left to become someone like you. I

8 spent 22 months in jail, and I don't believe that me

9 sitting in jail with no criminal record and no

10 evidence of a crime due to a database is right. I

11 shouldn't be in the same facility as El Chapo. I

12 feel as though my rights were violate, but I'm here

13 to speak on behalf of the youth in my neighborhood

14 because I have to go back, and I had the degree in

15 criminal justice, and I got the job to become a

16 lawyer. So, what do I tell them that's down there

17 getting gang police, and-and-and-and stop and search

18 and beat up in my neighborhood in the Bronx when 120

19 happened. I don't believe gang policing is right.

20 I'm not talking politically wrong or politically

21 right. I'm talking morally. What happens to the kid

22 that grows up in that-that neighborhood, gets beat on

23 every day, goes to his brothers for protection. He's

24 a nerd, and he goes to Catholic school. He doesn't

25 even curse. He leaves the neighborhood, and keeps in

1 COMMITTEE ON PUBLIC SAFETY 145

2 contact with the people that protected him his whole

3 life, and then he falls in the Gang Database, and

4 gets swept. Now, he got a felony and he can't become

5 you, he can't and I say you because a black man, and

6 I wish I could be, but I can't now because of what

7 they did to me, and I'm trying to stop that from

8 happening to the youths in my neighborhood, and

9 that's like from the bottom of my heart. This is not

10 about no money or politics for me. I'm here strictly

11 on the Gang Data-Database. It's not right. I get

12 pulled over three, four times a week, and before I

13 get to talking to the officer, I let him know that

14 you're going to let me go. I know how I look, but I

15 have a degree. I'm educated and I'm probably smarter

16 than you, and then they look at me, and they find

17 books like my-my Alex's book in my car, and they're

18 looking, and now what you know about End the

19 Policing? I show my textbooks and-and they let me go

20 every single time. [bell] I'll wrap it up. What I

21 think we should do instead of focusing on throwing

22 our youths in jail even if they don't have no record

23 it seems like this is all about just control, and

24 surveilling them. I think we should educate them. We

25 should focus on educating them, turning the 16-year-

1 COMMITTEE ON PUBLIC SAFETY 146

2 olds into lawyers instead of felons. Turn the 16-
3 year-olds into doctors instead of inmates. I think
4 maybe some safe interventions of camps, community
5 centers. Even if you took them instead of putting
6 them in jail you put them in some school or military
7 something, maybe you come back with some hope. From
8 16 to 25 you're growing. If you keep throwing 16-
9 year-olds in jail giving them felonies, how they
10 going to become you? And that's—that's just—that's—
11 that's what—that's my take on the Gang Database.
12 It's wrong, and something needs to be done there and
13 stop closing us. I was a good kid. I was a good kid
14 and people rarely even told me, he even said it that
15 people make mistakes. They made a mistake with me.
16 I was making a mistake on the whole community who
17 continue doing this. Thank you.

18 CHAIRPERSON RICHARDS: Thank you and let
19 me just add I know I look eloquent today, but I grew
20 up in the neighborhood, too, [laughs] and, you know,
21 by the grace of God my parents with every dollar they
22 had shipped me out of the neighborhood. So, I share
23 your story because all of my friends, I know we look
24 eloquent up here, but I grew up in South Jamaica.

25 CRAIG LEWIS: I mean God bless you.

1 COMMITTEE ON PUBLIC SAFETY 147

2 CHAIRPERSON RICHARDS: [interposing] God
3 knows.

4 CRAIG LEWIS: God bless you, too.

5 CHAIRPERSON RICHARDS: So, so I
6 definitely share the common goal in, you know, our
7 goal I just to make sure we're pulling people out of
8 this database at the end of the day. I mean in all
9 honesty it should be abolished, but we're taking baby
10 steps or least keep the conversation flowing. So,
11 this is not the end all. We all share, you know, I
12 sat in a room as and elected official with gang
13 members who I knew were doing shootings, and we were
14 able to get them to do truces. So, we're trying to
15 work with them as well to make sure. That's why we
16 were a big proponent as well of Cure Violence in Far
17 Rockaway, which has made a big difference, [laughs]
18 and really working with my brothers and people I know
19 out there as well. So, we all share the common goal.
20 We just got to figure a way of how to get there, but
21 we want to keep this conversation going. So, I
22 appreciate all of the testimony, and I appreciate
23 your story, and for you coming down here. You're an
24 inspiration to me. I'm trying to get the grassroots.

25

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2 So, if you guys [laughter] do that. So, you know,
3 you know, that's kudos to you.

4 CRAIG LEWIS: I appreciate it.

5 CHAIRPERSON RICHARDS: So, keep up doing
6 positive work. Don't let that define you. Keep
7 going.

8 CRAIG LEWIS: Alright.

9 CHAIRPERSON RICHARDS: Alright?

10 CRAIG LEWIS: Thank you.

11 CHAIRPERSON RICHARDS: Thank you all.

12 Alrighty, this is the last panel. I'm going to ask
13 everybody to really stick to the time because we've
14 got to get out of here because they have another
15 hearing in here. So, Hernandez, Diane Malika,
16 Kingston and also David Pacino. Alrighty. So, David
17 Pacino-Pacino, sorry. Diane Malikum, Mooman Kingston,
18 and Oscar Hernandez. [background comments/pause]

19 DAVID PACINO: Thank you very much to
20 the-the Chair. I'm very happy to be here today. My
21 name is David Pacino. I'm a staff attorney with
22 Keifer's Law Center to Prevent Gun Violence, which is
23 the Gun Violence Prevention Organization founded by
24 former Congresswoman Gabby Giffords. I'm here today
25 to testify in support of Intros 1548 and 1553. I'll

1 COMMITTEE ON PUBLIC SAFETY 149

2 say in short that we support both bills. We think
3 they are fantastic, and—and really great efforts to
4 combat the scourge of ghost guns. I—I have in my
5 written testimony provided some more details there.
6 I—considering the time I don't want to dive in too
7 deeply, but I will just say that we know that these
8 gangs are involved in—in shootings now. There have
9 been a number of shootings over the past several
10 years of the numbers increasing. These firearms are—
11 are trafficked in—in large quantities. They are
12 really a traffickers dream because they don't involve
13 any paperwork, they don't involve any background
14 check and once they've been sold off they can't be
15 traced back to the trafficker in the first place. So,
16 we're very supportive of this legislation, and really
17 appreciate the Council's efforts to—to address this
18 problem. I have on Intro 1553 some suggestions about
19 how the legislation could be strengthened.

20 Specifically first, I would—I would encourage the
21 Council to consider more expressly stating that the
22 sale or transfer of unfinished firearms into the city
23 is prohibited. I know the work currently in there is
24 disposed, and I have some concerns that there might
25 be some ambiguity about whether the seller would have

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2 to be in city. The reason I raise this is because

3 the purveyors of these parts are often Internet

4 companies who are selling from elsewhere than the

5 United States, and I think we should be absolutely

6 that this legislation prohibits their sales into the

7 city. The second suggestion I would make relates to

8 the definition of unfinished frame or receiver. The-

9 the language currently would only have unserialized

10 frames or receivers-unfinished frames or receivers

11 capped (sic) within the definition. So, if it had a

12 serial number it would not be covered by the

13 legislation. That's great in that it would have a

14 serial number, but the issue is that it still would

15 not be subject to a background check. So, under

16 federal law a frame or receiver that finished is

17 subject to a background check, but the unfinished one

18 would not be, and here the serial number would-would

19 exempt it from the background check requirement. So,

20 what I'm suggesting instead would be to have the-the-

21 that definition portion struck from there and then

22 added into the prohibiter section to say that an

23 unfinished frame or receiver can only be possessed or

24 transferred if it has a serial number, and if the

25 transferee or possessor has a gun with a license, and

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2 then the—the final suggestion I would make is that I
3 would add record retention requirements. So, the—the
4 current serialization requirements are those that are
5 under federal law. I would have the record retention
6 requirements under federal law, and that require the
7 sellers to retain those, and that require those to be
8 sent to the NYPD as well. So, thank you again for
9 the opportunity to testify today. [bell]

10 CHAIRPERSON RICHARDS: Thank you so much.

11 DIANE KINGSTON: Good afternoon, good
12 afternoon. My name is Diane Kingston also known as
13 Diane Malika Momine Houston (sic) and I'm a mother of
14 seven children. I grew up in tough neighborhoods all
15 my life, and I have never been affiliated with gangs.
16 I never wanted to be a affiliated with gangs, but I
17 have problems with gangs in my community and in my
18 building. Some of them work in the schools. Some of
19 them work in the community centers. However, I'm the
20 type of person that is a person of most high
21 diversity. I have a track record of doing so, but it
22 seems as though some people that are actually in the
23 gangs and it's not necessarily Bloods and Crips.
24 We're talking about people that come in from
25 overseas, from Asia, Africa, from Europe that come

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2 into our cities and our towns where we live and
3 they're not considered as gang members, and I find
4 that a very serious atrocity against the people who
5 live in the community because some of these people
6 they actually open up businesses in other
7 communities. So, I have a serious problem with that,
8 and one of the other major problems I have, which I
9 was in the other room listening to the testimony of-
10 of you. I can't see your name so well.

11 CHAIRPERSON RICHARDS: Donovan.

12 DIANE KINGSTON: Yeah.

13 CHAIRPERSON RICHARDS: Donovan Richards.

14 DIANE KINGSTON: I'm-I'm so sorry. Yeah.

15 CHAIRPERSON RICHARDS: I'm trying not to
16 give my name.

17 DIANE KINGSTON: Yeah, you know, I'm so
18 sorry. I do apologize for that misunderstanding
19 because, you know, I know I'm am affiliated with a
20 lot of politicians. I come chasing them around
21 basically to see what they're doing because I'm
22 affected by laws that are being created, and so are
23 my seven children. So, my whole point in this I do
24 have a problem with the 60% of minorities being
25 targeted for this Crime Database, but then again it's

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2 a good thing, and it could be a bad thing. The

3 reason why it can be a bad thing is because it does

4 criminalize a lot of minorities, and this 1% of the

5 Caucasians other than Blacks, and I—from what I

6 understand, Hispanics are also considered white

7 because I just came out of college in 2017, and

8 according to the census, like Hispanics are also

9 considered white. So, what am I saying here? It's

10 that, you know, gang membership doesn't always mean

11 with the people on the streets with guns and knives.

12 It also means some people would even say NYPD is a

13 gang. I don't totally agree. Some people would say

14 the government is a gang. So, where am I going with

15 this? I mean I think that this proposal should be a

16 little pause on it also so I can thoroughly examine

17 it, and also come up with my—because I do case

18 studies on just about everything including myself.

19 So, I would like [bell] a—I would like a pause on

20 this proposal so that I can thoroughly examine it

21 because there's a lot of things in there that is very

22 important that I feel that I would be an—and awesome

23 contributor to the process of this bill. I really

24 would appreciate it.

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2 CHAIRPERSON RICHARDS: Thank you for your
3 testimony--

4 DIANE KINGSTON: Thank you.

5 CHAIRPERSON RICHARDS: --and for coming
6 down.

7 MALE SPEAKER: Good afternoon, Chairman
8 Richards. I would like to thank you for the
9 opportunity to give my testimony. I'm here today
10 because I have been directly impacted by the New York
11 City Gang Database. It's been over 10 years since I
12 left gang place in Yahoo. I'm a former member the
13 Trinitarios. I'm from Brooklyn, New York, you know,
14 I've attended college. I've graduated, you know,
15 with an Associate in Business Administration. I got
16 a job. I have a great job right now, but to date--to
17 this day I'm still being harassed, I'm still being
18 followed around. I'm still being asked questions
19 about gang affiliation and about the Trinitarios.
20 Recently, I went through a situation where I was
21 issued a warrant for a--a traffic violation. I was
22 taken to the 107 Precinct. I was sat in a--in a--an
23 interrogation room for about five hours. I waited
24 for a Gang Unit to come and see me. They wanted to
25 come see me. That's how I found out I'm still

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2 affiliated with the Gang Database. I was asked

3 questions about the Junior Guzman case. I was asked

4 questions about a gang raid that happened in Astoria,

5 Queens that I have no knowledge about. I was asked

6 questions about from other gang members of the

7 Trinitarios group that I have no knowledge about.

8 I'm 27. When I first joined this gang I was 16 years

9 old, you know, I made mistakes. I paid, you know,

10 the consequences of joining the gang, but I'm

11 actually today, you know, that I'm, you know, I'm

12 here today to tell you that I oppose this bill, the

13 2223. It's not right for them to do an individual as

14 myself still facing issues with the Gang Database.

15 Here there's an analysis that says you guys are just

16 targeting the youth, but what about those individuals

17 that are over 18? I'm not just speaking on behalf of

18 myself. I know numerous gang members and different

19 gangs—and gangs on the New York City that have

20 changed their life around completely, you know, have

21 families, take care of their families and go to

22 school. I'm still going to school now. Have jobs,

23 you know, providing for the community that they live

24 in. So, I don't think it's right that you guys just

25 targeted the youth with this bill. I think you guys

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2 should take into consideration those that are above
3 18. You know, I—I had no knowledge that I was still
4 in this, um, in this database after my probation.
5 So, I ask you today—today just to see if you guys can
6 not pass this bill. There's different alternatives
7 you guys should take in the communities. If I was to
8 go around New York City right now, and go to the
9 heavily populated gang areas in New York, and ask
10 them about programs, ask them about, you know,
11 employment, development in the neighborhood, nobody
12 would know anything. The testimony of the NYPD
13 earlier they stated that they have numerous programs
14 that I didn't even know about. You know, if I was to
15 go into my neighborhood, and ask youths in the high
16 school areas that I know are gang, you know, that are
17 heavy gang affiliated, nobody would know any programs
18 the—the, you know, the NYPD was stating about. [bell]
19 So, again, I want to thank you for giving my
20 testimony, and hopefully something is done
21 immediately.

22 CHAIRPERSON RICHARDS: Thank you so much—

23 MALE SPEAKER: [interposing] Thank you,
24 sir.

25

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2 CHAIRPERSON RICHARDS: --for your
3 testimony. I want to thank everybody for coming out
4 today I want to thank everybody especially the young
5 men who came out to-to testify today on this
6 legislation. As we've said, we look forward to
7 working with all the advocates continuing to have the
8 conversation. So, it's the beginning of a
9 conversation on a database. You know, we have a lot
10 of work to make sure that there's a more just New
11 York City, that the justice system is working for the
12 people that live in my neighborhood and people who
13 are impacted. So, we look forward to a continued
14 conversation on this. I want to thank everybody for
15 coming out today. This hearing is now closed.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 14, 2019

EXHIBIT 5



One Schroeder Plaza, Boston, MA 02120-2014

To: Director Jennifer Maconochie, Strategic Initiatives and Policies
Office of the Police Commissioner

Through: Deputy Superintendent Sharon Dottin
Office of the Chief, Bureau of Investigative Services

From: Sergeant Detective Lanita Cullinane, ID #10930
Commander, Firearms Analysis Unit

Subject: Information regarding unserialized firearms, commonly referred to as "ghost guns"

Date: October 2, 2020

Ma'am/Ma'am;

I have compiled the following information in response to the request for information regarding the following two questions:

1. First, we are looking for statistics and information concerning ghost guns, specifically, how many you have recovered compared to how many guns your police have recovered overall, whether the number of recovered ghost guns is going up, and how many of these guns have been used in crimes. In particular, we would be interested to know if your department has collected any weapons created by the company Polymer80. If your department collects any other information on ghost guns, we would be interested in that as well.

Attached is a spreadsheet with specific information relative to the unserialized firearms ("ghost guns") that have come into the custody of the Boston Police Department, to include manufacturer and some info regarding crimes charged (not all charges are listed).

Below is information regarding the overall number of crime guns during calendar years 2019 and 2020 (to present date), the two years for which we have statistics on these unserialized firearms ("ghost guns"). The crime gun numbers are taken from the stats posted into the data collection document that posts to the dashboard.

2019: 549
2020: 415

Mayor Martin J. Walsh

2. Second, we are interested in whether your officers have reported cases where missing serial numbers of firearms or the presence of ghost guns made it harder to do your jobs or catch people committing crimes or alternatively, if there are cases where serial numbers were particularly important to solving cases and preventing crime. Case studies like these would be of interest to us as well.

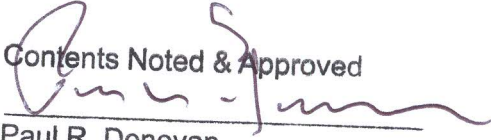
If the Boston Police Department collects info regarding the difficulty in prosecuting cases involving the use of unserialized firearms and the impact firearm serial numbers plays in the solvability of a case, that information is not collected by the Firearms Analysis Unit. The Boston Regional Intelligence Center (BRIC) may be able to provide assistance with that request.

Respectfully submitted,



Sergeant Detective Lanita Cullinane
ID #10930

Contents Noted & Approved



Paul R. Donovan,
Superintendent
Bureau of Investigative Services

Incident #	Incident Date	Incident Type	Make	Model	Caliber	Serial Number	Type	Charges
192002456	01/09/19	Unlawful Possession of a Firearm	Polymer80, aftermarket Glock 19 slide and barrel	PF940C	9mm Luger	BFFPA383 (slide and barrel)	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192022779	03/28/19	Possession of a Firearm	Polymer80 Inc., Glock 23 slide and barrel	Unk	40 S&W	BFTTE253 (slide and barrel)	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192033085	05/05/19	Unlawful Possession of a Firearm	Unk	Unk	9mm Luger	None	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192035140	05/11/19	Unlawful Possession of a Firearm	Polymer80 Inc., Glock 17 slide and barrel	Unk	9mm Luger	BHRA195 (slide and barrel)	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192039367	05/26/19	Unlawful Possession of a Firearm	Polymer80 Inc/Rock Slide	Unk	9mm Luger	None	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192049268	06/28/19	Weapon Violation - Firearm - Carrying/Possessing, Etc	Polymer80 Inc., Glock 27 slide and barrel	Unk	40 S&W	BFFV040 (slide and barrel)	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192050656	07/02/19	Unlawful Possession of a Firearm	Polymer 80, Glock 23 aftermarket slide and barrel	PF940C	40 S&W	BTM550 (slide and barrel)	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192065781	08/20/19	Firearm/Weapon - Possession of Dangerous	Polymer80, Glock type slide and barrel	PF940C	9mm Luger	None	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192072860	09/11/19	Unlawful Possession of a Firearm	Polymer80, Glock type slide and barrel	PF940SC	9mm Luger	None	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192079617	10/02/19	Firearm/Weapon - Found or Confiscated	Polymer80	PF940C	9mm Luger	None	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
192081189	10/07/19	Assault D/W - Gun	Polymer80, Glock 23 slide	PF940C	40 S&W	AAEV458 (slide)	semi-automatic pistol	Ac265, s15B Assault By Means of Dangerous Weapon
192094883	11/23/19	Firearm/Weapon - Possession of Dangerous	Polymer80 Inc., Glock 23 slide and barrel	PF940C	40 S & W	LLM070 (slide and barrel)	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192095802	11/26/19	Person Shot	Polymer80 Inc., unk slide and barrel	PF940C	9mm	none	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192095842	11/26/19	Firearm/Weapon - Possession of Dangerous	Frame consistent with Polymer80, slide consistent with Glock slide	PF940SC	9mm Luger	none	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
192096123	11/27/19	Firearm/Weapon - Carry - Sell - Rent	Polymer80, Glock 17 slide and barrel	Unk	9mm Luger	BPCPF801 (slide and barrel)	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm
202003163	01/12/20	Firearm/Weapons - Carry - Sell - Rent	Polymer80 Inc., Glock 27 slide and barrel	PF940SC	40 S&W	BGBX450 (slide and barrel)	semi-automatic pistol	c269, s10(h) Unlawful Possession of a Firearm
202007355	01/28/20	Firearms/Weapon - Possession of Dangerous	Polymer80 Inc., Glock 19 slide and barrel	PF940C	9mm Luger	BGAS870 (slide and barrel)	semi-automatic pistol	c269, s10(a) Unlawful Possession of a Firearm

202010701	02/08/20	Firearm/Weapon - Found or Confiscated	SS80, Glock slide and barrel	Unk	9mm Luger	ADCH139 slide and barrel	semi-automatic pistol	c269, 12E Discharging a Firearm within 500 Feet of a Dwelling
202013024	02/17/20	Firearm/Weapon - Possession of Dangerous	Polymer80 Inc., unk slide and barrel	PF940C	9mm Luger	none	semi-automatic pistol	c269.s10m Unlawful Possession of a Firearm
202013588	02/19/20	Firearm/Weapon - Carry - Sell - Rent	Polymer	PF940CL	9mm Luger	none	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202015947	02/27/20	Firearm/Weapon - Found or Confiscated	Polymer80 Inc., Glock 26 slide and barrel	PF940SC	9mm Luger	BEUL489 (slide and barrel)	semi-automatic pistol	c269.s10(h) Unlawful Possession of a Firearm
202017885	03/05/20	Firearm/Weapon - Carry - Sell - Rent	Polymer80 Inc., unk slide and barrel	PF940V2	9mm Luger	none	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202033374	05/14/20	Carry/Possession/State/Trafficking/Other	Polymer80 Inc., Glock 26 style slide and barrel	PF940SC	9mm Luger	none	semi-automatic pistol	c269.s12D(a) Unlawful Possession of a Firearm
202037073	05/28/20	Firearm/Weapon - Found or Confiscated	Polymer frame unknown, Glock 22 slide and barrel	Unk	40 S&W	ADM328 (slide and barrel)	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202040109	06/09/20	Firearm/Weapon - Found or Confiscated	SS80, Glock 43 type slide and barrel	Unk	9mm Luger	none	semi-automatic pistol	Found - no charges
202040679	06/11/20	Firearm/Weapon - Found or Confiscated	Polymer80 Inc., Glock 26 type slide and barrel	PF940SC	9mm Luger	none	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202048328	07/09/20	Firearm/Weapon Found or Confiscated	Polymer80 Inc	PF940C	9mm Luger	None	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202048499	07/09/20	Firearm/Weapon Found or Confiscated	Polymer80 Inc	PF940SC	9mm Luger	None	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202055462	08/04/20	Assault - Simple	Polymer80 Inc, Glock 21 slide	P45	45 calibre	AAEA706 (slide and barrel)	semi-automatic pistol	c265.s13M A&B on Family/Household member, c269.s10(h) Unlawful Possession of a Firearm
202061586	08/25/20	Weapon Violation- Firearm - Carrying/Possessing, Etc	Polymer80 Inc	PF940C	9mm	None	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm
202065913	09/10/20	Weapon Violation- Firearm - Carrying/Possessing, Etc	Polymer80 Inc	PF940V2	9mm	None	semi-automatic pistol	c269.s10(a) Unlawful Possession of a Firearm