



November 13, 2019

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*****FOR IMMEDIATE RELEASE*****

***LEGAL AID SECURES DESTRUCTION OF ILLEGAL
JUVENILE FINGERPRINTS DATABASE NYPD
MAINTAINED FOR YEARS, CALLS FOR IMMEDIATE
OVERSIGHT HEARING ON POLICE SURVEILLANCE
TECHNOLOGIES AND DATABANKS, AND DEMANDS
PASSAGE OF THE POST ACT***

(NEW YORK, NY) – **The Legal Aid Society** condemned the New York Police Department (NYPD) for maintaining an illegal database of juvenile fingerprints for years - affecting tens of thousands of young New Yorkers, many of whom were never found guilty of a crime - which was finally confirmed destroyed by the NYPD this past week.

In response to this, Legal Aid also called on the New York City Council to hold an immediate oversight hearing on NYPD surveillance technologies and databanks, including the City’s gang, facial recognition, and DNA databanks, and to pass the Public Oversight of Surveillance Technology (POST) Act — legislation that would provide New York City lawmakers and the public with a meaningful opportunity to understand and oversee decisions about the NYPD’s acquisition and use of new surveillance technologies.

“This illegal database existed for years, infringing on young New Yorkers’ rights, in clear violation of the law,” said **Dawne Mitchell, Attorney-In-Charge of the Juvenile Rights Practice at The Legal Aid Society**. “The Legal Aid Society is proud to have brought an end to this unlawful practice. We call on the New York City Council to hold an immediate oversight

hearing on the NYPD's ever expanding surveillance of New Yorkers – including its youth – and to pass the POST Act.”

Background

Juvenile arrest records are afforded heightened protections under the New York State Family Court Act. Young people may only be fingerprinted for certain crimes, and only the State of New York is permitted to maintain those fingerprints, but it must ultimately destroy them in most instances. No locality in the state is allowed to maintain records of juvenile fingerprints.

In 2014, after a child was arrested based upon fingerprints the prosecutor acknowledged had been unlawfully retained by NYPD, The Legal Aid Society began to suspect that the NYPD was failing to comply with the aforementioned laws.

For almost a year, Legal Aid attorneys sought to confirm with the NYPD that its clients' fingerprints had been destroyed — in compliance with the law — only to be informed that these records were in fact “sealed.”

In 2015, Legal Aid issued a demand letter to the NYPD warning of litigation if the Department refused to end this unlawful practice. The letter stated that “despite clear and unequivocal statutory mandates, NYPD is failing to comply with its obligations to seal and destroy arrest-related documents...We are prepared to undertake systemic litigation to enforce the statutory rights of individuals with juvenile delinquency arrest records.”

In response to the demand letter, the NYPD denied that it was retaining juvenile fingerprints.

At the same time, The Legal Aid Society contacted the New York State Division of Criminal Justice Services (DCJS) inquiring about its juvenile fingerprint retention and destruction practices. DCJS subsequently conducted an internal review of its records, which revealed that it had unlawfully retained thousands of juvenile fingerprints. As a result, DCJS sent each local law enforcement agency, including NYPD, a list of juveniles for whom destruction of arrest-related documents was required.

After a nine month delay, the NYPD finally acknowledged receipt of the DCJS communique. In response, NYPD inadvertently acknowledged that it had retained not just arrest-related records, but actual juvenile fingerprints in its own database, known as Automated Fingerprint Identification System (AFIS). All local law enforcement, including NYPD, are prohibited from storing juvenile fingerprints.

Legal Aid again confronted NYPD about this unlawful practice and issued a targeted demand letter in 2018, noting “We are prepared to undertake litigation to enforce the statutory rights of individuals arrested and fingerprinted as juvenile delinquents.”

The NYPD finally admitted that it had, in fact, been retaining juvenile delinquency fingerprints in AFIS, and issued a new policy – a departmental bulletin and finest message – to bring its

practices into compliance with the law. After years of maintaining these fingerprint records illegally, NYPD has now finally destroyed all juvenile fingerprints in AFIS.

For as long as the NYPD maintained this database, young New Yorkers were denied the benefits and enhanced protections to which they are entitled under the Family Court Act.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>