

**Seventh Annual Report of the Civilian Representative
To The New York City Police Department’s
Handschu Committee**

I. Introduction

On February 21, 2023, I was appointed as the “Civilian Representative” (or the “Representative”) to the Handschu Committee of the New York City Police Department (the “NYPD”). The Handschu Committee stems from a 1985 consent decree, as modified several times, that governs the NYPD’s investigations of crimes that may involve political activity. The committee’s work is governed by the Handschu Guidelines (the “Guidelines”), which have been revised several times since their promulgation in 1985.

In their current form, the Guidelines require that requests to open, extend, or close certain inquiries and investigations that implicate political activity must be reviewed by the Handschu Committee. The Handschu Committee meets monthly to review requests and ensure that they are consistent with the standards set forth in the Guidelines. While most members of the Handschu Committee are NYPD personnel, the Guidelines also require the participation of the Civilian Representative who is not affiliated with the NYPD. Ultimate authority for approving requests rests with the current Deputy Commissioner of Intelligence and Counterterrorism and the Commanding Officer of the NYPD’s Intelligence Division.¹ However, the Civilian Representative is authorized to object to a request if the Representative believes the request violates the Guidelines. The Representative is also required to report any violations of the Guidelines to the Police Commissioner and may elevate any concerns to the Court overseeing the consent decree. Finally, the Representative is required to provide an annual report noting any objections, communications with the Court, and whether the NYPD substantially fulfilled its obligations under the Handschu Guidelines.

This annual report covers my work as the Civilian Representative on the Handschu Committee from February 2024 to February 2025 (the “Relevant Period”).² In this report, I first provide some background on the Handschu Committee that may be useful to a reader who is not familiar with the process.

II. Background on the Handschu Committee

The Handschu Committee traces its roots to a 1971 class action lawsuit that challenged various surveillance and investigative practices directed at political organizations by the NYPD’s investigatory unit, then known as “Security and Investigation Section” or “SIS.” The lawsuit alleged that SIS’s activities “were designed to and have the effect of chilling, discouraging and inhibiting plaintiffs . . . from expressing and advocating unpopular political and social views and from communicating and associating with one another for that purpose.”³ The lawsuit outlined

¹ As with any organization, NYPD ranks, titles, and division names may change. References herein to such ranks, titles, or division names are to those that are in effect as of the date of this report.

² For the avoidance of doubt, this report is written only in my capacity as the Civilian Representative, and not in any other capacity.

³ *Handschu v. Special Servs. Div.*, 349 F. Supp. 766, 767 (S.D.N.Y. 1972) (“*Handschu P*”).

seven specific categories of practices and conduct on the part of SIS that, according to plaintiffs, infringed upon their constitutional rights: “(1) informers; (2) infiltration; (3) interrogation; (4) overt surveillance; (5) summary punishment; (6) intelligence gathering; [and] (7) electronic surveillance.”⁴ According to plaintiffs, the foregoing practices had a “chilling effect” on “the exercise of their constitutional rights of freedom of speech, assembly and association,” violated “their rights against unlawful search and seizure because the SIS proceed[ed] without obtaining warrants or judicial authorization,” “violate[d] their rights of privacy and to substantive and procedural due process,” and resulted in the infliction of “cruel and unusual punishment.”⁵

The then-presiding federal district judge overseeing the case, Hon. Edward Weinfeld, denied the defendants’ motion to dismiss the complaint.⁶ Following discovery and certification of the class, the parties negotiated and jointly proposed a settlement of the case, which was approved in 1985 by the incoming judge on the case, Hon. Charles S. Haight, and subsequently affirmed in 1986 by the U.S. Court of Appeals for the Second Circuit.⁷

The cornerstone of the 1985 settlement was what has come to be known as the “Handschu Guidelines,” which take their name from Barbara Handschu, the attorney and social activist who was the first-named plaintiff in the lawsuit. The 1985 guidelines, referred to herein as the “Original Guidelines,” focused upon and regulated any NYPD “investigation of political activity,” defined as “[t]he exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.”⁸ “The [Original] Guidelines deal[t] with future collection, retention and dissemination of information by the PSS,” the then-existing Public Security Section of the NYPD.⁹ The Original Guidelines established “an Authority to oversee the activities of the PSS” consisting of three members: two high-ranking NYPD officers and a third “civilian member appointed by the Mayor upon consultation with the Police Commissioner for a term revocable at will.”¹⁰ The Mayor appointed Hon. Harold R. Tyler, Jr., an attorney then in private practice at the law firm of Patterson Belknap Webb & Tyler LLP and former U.S. District Judge and Deputy Attorney General of the United States, as the civilian member to the Authority.

Among other things, the Original Guidelines required that the NYPD present fact-specific reasons for commencing an investigation involving covert surveillance operations and prohibited the NYPD from targeting suspects based on political, religious, sexual, or economic preference. They also gave the Authority the power to conduct “inquiries” of the NYPD upon the request of persons or entities with reason to believe they were being investigated in connection with political activity to ensure that any such investigation complied with the Original Guidelines.

⁴ *Id.* at 768.

⁵ *Id.* at 768–69.

⁶ *Id.* at 771.

⁷ *Handschu v. Special Servs. Div.*, 605 F. Supp. 1384 (S.D.N.Y. 1985), *aff’d*, 787 F.2d 828 (2d. Cir. 1986) (“*Handschu II*”).

⁸ *Id.* at 1420.

⁹ *Id.* at 1389.

¹⁰ *Id.* at 1390.

In the wake of the tragic events of September 11, 2001, in 2003, the NYPD moved to modify the Original Guidelines on the grounds that their continued enforcement “limit[ed] the effective investigation of terrorism and prevent[ed] cooperation with federal and state law enforcement agencies in the development of intelligence,” contrary to the public interest.¹¹ The NYPD claimed that the Original Guidelines constituted “an operational handicap” because they required that a single unit within the NYPD’s Intelligence Division conduct intelligence investigations of political activity when “the entire resources of the NYPD must be available to conduct investigations into political activity and intelligence related issues.”¹² In response, the Court modified the Original Guidelines. The modified guidelines are referred to herein as the “2003 Guidelines.” The 2003 Guidelines replaced the detailed instructions set forth in the Original Guidelines with the FBI Guidelines for investigations issued post-9/11 by Attorney General John Ashcroft in May 2002.¹³ While the Handschu Authority continued to exist, under the 2003 Guidelines, it no longer had detailed oversight responsibilities for investigations; its sole function was to review records that the NYPD was directed to generate and retain.¹⁴ The 2003 Guidelines were made a part of an order and judgment of the Court.¹⁵

The 2003 Guidelines remained in force over the next several years. That began to change when, in 2011, class counsel informed the Court that they believed, based on public reporting, that the NYPD maintained a policy of “retain[ing] information about [Muslim] class members’ political activity that does not relate to potential unlawful or terrorist activity.”¹⁶ In 2013, class counsel moved for injunctive relief and for the appointment of a monitor to supervise the activities of the NYPD’s Intelligence Bureau. Following years of negotiations, in 2016, class counsel and the NYPD jointly proposed a settlement and attendant revisions of the 2003 Guidelines (the “2016 Proposed Settlement”).¹⁷ The 2016 Proposed Settlement also sought to settle claims in a separate lawsuit, *Raza, et al. v. City of New York, et al.*, Case No. 13 Civ. 3448 (PKC) (JO) (E.D.N.Y.), which alleged that the NYPD had engaged in unlawful surveillance of Muslims in New York under the guise of investigating terrorism. Among other things, the 2016 Proposed Settlement sought to change certain NYPD investigatory protocols in the 2003 Guidelines. The 2016 Proposed Settlement also provided for a newly created 11-member Handschu Committee, which would contain a Civilian Representative appointed by the Mayor.

¹¹ *Handschu v. Special Servs. Div.*, 273 F. Supp. 2d 327, 333 (S.D.N.Y. 2003) (“*Handschu III*”).

¹² *Id.* at 334.

¹³ *Id.* at 346.

¹⁴ *Id.* at 334–35.

¹⁵ *Handschu v. Special Servs. Div.*, 288 F. Supp. 2d 411 (S.D.N.Y. 2003) (“*Handschu IV*”).

¹⁶ *Handschu v. Police Dep’t of the City of New York*, 219 F. Supp. 3d 388, 391 (S.D.N.Y. 2016) (“*Handschu V*”).

¹⁷ *Id.*

The 2016 Proposed Settlement was rejected by the Court on the grounds that it did not vest the Civilian Representative with sufficient authority to exercise adequate oversight.¹⁸ Thereafter, the parties submitted a revised proposal that strengthened the powers and responsibilities of the Civilian Representative, requiring, among other things, that the Civilian Representative attend and participate in quarterly and monthly meetings of the Handschu Committee; document any concerns regarding the propriety of an investigation in the applicable meeting minutes; submit annual reports to the Court; and report to the Court if the Civilian Representative concludes, at any time, that the NYPD is systematically and repeatedly violating the guidelines.¹⁹ The Court adopted the proposal, finding that, with these changes, the parties' proposal was fair and reasonable and "str[uck] a proper balance between the private rights of the members of the City's Muslim and Islamic communities, and the public safety, entrusted to the NYPD, of all who dwell in or visit the City."²⁰ The new guidelines, referred to herein as the "Operative Guidelines," govern the work of the Handschu Committee and the NYPD to this day.

Upon the Court's approval of the Operative Guidelines, the Mayor appointed Hon. Stephen Robinson, an attorney then in private practice at the law firm of Skadden, Arps, Slate, Meagher & Flom and former U.S. District Judge and Deputy General Counsel of the FBI, as the Civilian Representative to the Handschu Committee. Upon completion of Hon. Robinson's five-year term, the Mayor appointed the undersigned as the Civilian Representative.

III. The Operative Guidelines and The Process

As reflected in the Operative Guidelines (which are attached to this report), it is the stated policy of the NYPD that investigations involving political activity conform to the guarantees of the Constitution, including the guarantee of equal protection. It is further the stated policy of the NYPD that care must be exercised in the conduct of those investigations so as to protect constitutional rights, including the right to be free from investigations for which race, religion, or ethnicity is a substantial or motivating factor. In addition, matters investigated by the NYPD must be confined to those supported by a legitimate law enforcement purpose.

The Operative Guidelines (i) limit the investigation of political activity to those circumstances where there is specific information regarding criminal activity; (ii) establish the Handschu Committee to oversee compliance; and (iii) establish the role of the Civilian Representative. The Operative Guidelines provide for the following levels of investigative activity by the NYPD:

- a) Checking of Leads. This is the lowest level of investigative activity. It encompasses the prompt and extremely limited checking-out of initial leads, which

¹⁸ *Id.* at 407–08 (finding that "the proposed role and powers of the Civilian Representative do not furnish sufficient protection from potential violations of the constitutional rights of those law-abiding Muslims and believers in Islam who live, move and have their being in this City").

¹⁹ *Handschu v. Police Dep't of the City of New York*, 241 F. Supp. 3d 433, 438, 440–41 (S.D.N.Y. 2017) ("*Handschu VT*").

²⁰ *Id.* at 442.

is warranted when NYPD receives information regarding the possibility of unlawful activity.

- b) Preliminary Inquiries. A Preliminary Inquiry is the second-lowest level of investigative activity. A Preliminary Inquiry is warranted when the responsible handling of an allegation or information requires some further scrutiny beyond the prompt and extremely limited checking of an initial lead. The possibility of unlawful activity to initiate a Preliminary Inquiry requires an allegation or information that is articulable and factual. Whether it is appropriate to open a Preliminary Inquiry immediately, or instead to engage first in a Checking of Leads, depends on the circumstances.
- c) Full Investigation. A Full Investigation is the second-highest level of investigative activity. A Full Investigation is appropriate when facts or circumstances reasonably indicate that an unlawful act has been, is being, or will be committed. A Full Investigation may be conducted to prevent, solve, or prosecute such unlawful activity. The standard of “reasonable indication” is substantially lower than probable cause.
- d) Terrorism Enterprise Investigation. A Terrorism Enterprise Investigation is the highest level of investigative activity. A Terrorism Enterprise Investigation is an investigation to determine the identity and nature of a group or organization involved in unlawful acts; that group or organization’s geographic dimensions; that group or organization’s past acts and intended goals; and that group or organization’s capacity for harm, among other factors. A Terrorism Enterprise Investigation may be initiated when facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of: (i) furthering political or social goals wholly or in part through activities that involve force, violence, or other unlawful acts; (ii) engaging in terrorism as defined in N.Y. Penal Law § 490.05; or (iii) committing certain offenses described in N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, or 490.35, or other related statutes currently in effect or later enacted. In determining whether a Terrorism Enterprise Investigation should be conducted, the NYPD shall consider all of the circumstances, including the magnitude of the threatened harm, the likelihood that it will occur, the immediacy of the threat, and any danger to privacy or free expression posed by an investigation.

Members of the Handschu Committee include (current titles/ranks): (i) the Deputy Commissioner of Intelligence and Counterterrorism; (ii) the Commanding Officer of the Intelligence and Counterterrorism Bureau; (iii) the Commanding Officer of the Intelligence Division; (iv) the Executive Officer of the Intelligence Division; (v) the Commanding Officer of the Intelligence Operations and Analysis Section (“IOAS”); (vi) the Commanding Officer (or Executive Officer) of the Criminal Intelligence Section; (vii) the Assistant Commissioner of Intelligence Analysis; (viii) the Deputy Commissioner of Legal Matters; (x) the Director of Intelligence Matters; and (ix) the Civilian Representative.

Although all members review the requests and can provide their input during the monthly meetings, the Deputy Commissioner of Intelligence and Counterterrorism and the Commanding

Officer (or in his or her absence, the Executive Officer) of the NYPD's Intelligence Division have the ultimate responsibility for approving the opening and extension of all Handschu Investigations.

The Handschu Committee members participate in monthly meetings during which the Committee reviews requests to open, close, or extend Handschu investigations. Prior to each meeting, I receive a briefing book that contains: (1) the minutes of the previous Handschu Committee meeting; (2) the agenda for the current meeting; (3) all requests to open or extend Preliminary Inquiries, Full Investigations, or Terrorism Enterprise Investigations; (4) any corresponding authorization or extension of undercover operations in those investigations; and (5) any requests to close investigations. The briefing book contains the facts and background information that the NYPD believes justifies each request, as written in the Investigative Statement.

The Civilian Representative's responsibilities include the following:

- a) Unless unable to do so for good cause, the Civilian Representative is required to attend and participate in all of the monthly meetings of the Handschu Committee, and all of the quarterly discussions led by the Special Counsel for Intelligence Affairs (whose current title is Director of Intelligence Matters).
- b) If the Civilian Representative deems that a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation is being opened, extended, or conducted in violation of the Operative Guidelines or the law, the Civilian Representative is required to bring the investigation to the attention of the Police Commissioner. The Police Commissioner shall inquire into the investigation and report the findings of the inquiry to the Civilian Representative within seven days of receipt of the Civilian Representative's concerns. If the Police Commissioner has not provided a timely response to the Civilian Representative's concerns or if the Civilian Representative is not satisfied with the Police Commissioner's response, the Civilian Representative may communicate those concerns to the U.S. District Judge assigned to the Handschu case.
- c) The Civilian Representative is authorized to review the use or extension of the use of undercover officers and/or confidential informants. The Civilian Representative shall record his or her concerns and/or his or her objections in the minutes of the Handschu Committee meeting if he or she concludes: (1) that the opening, extension, conduct or use of undercover officers and/or confidential informants in an investigation violates the Operative Guidelines or (2) that the NYPD is otherwise violating the Operative Guidelines or the law in the use or extension of the use of undercover officers and/or confidential informants.
- d) The Civilian Representative is empowered to report to the Court at any time if there are violations of the Operative Guidelines. If at any time, the Civilian Representative deems there are systematic and repeated violations of the Operative Guidelines to a degree sufficient to show an NYPD policy to act in such a fashion, the Civilian Representative shall report the alleged systematic violation directly to the U.S. District Judge assigned to the Handschu case.

- e) The Civilian Representative shall file an annual report with the Court related to his or her actions and observations as a member of the Handschu Committee. The annual report will:
 - 1. Indicate whether the Civilian Representative has objected to any investigations over that period and provide the basis for any objections;
 - 2. State whether the NYPD has (i) substantially obtained timely approval for extending and closing investigations, (ii) substantially obtained timely approval for the use of human sources, and (iii) substantially fulfilled its obligation to review Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations every six months; and
 - 3. Address any communication during the annual period by the Civilian Representative to the Court.

As the Civilian Representative, prior to each meeting of the Handschu Committee, I reviewed all of the pending requests for discussion. Although each investigation is unique, I generally considered the following questions when evaluating requests to open or extend Preliminary Inquiries, Full Investigations, or Terrorism Enterprise Investigations:

- a) What is the threatened harm?
- b) What is the magnitude of the threatened harm?
- c) What is the likelihood that such harm will occur?
- d) Does the proposed investigation pose any danger to privacy, freedom of association, or free expression?
- e) Can investigators obtain the information in a timely manner using less intrusive means?
- f) Is there a reasonable basis to believe that the proposal meets the applicable standard for opening or extending a Handschu investigation?
- g) How imminent is the threat?
 - 1. Is the information provided remote in time or in relation to the proposed target of the investigation?
 - 2. Is there a threat to life or substantial property interests?
 - 3. Is there an imminent risk of evidence being hidden, destroyed, or altered?
- h) How reliable is the source of the information?
 - 1. Has law enforcement used this source before?

2. Has previously provided information been obtained legally?
3. Has previously provided information proved verifiable?
4. Under the circumstances, is it necessary to investigate an individual to obtain this information, and is this investigation the most effective means of obtaining it?
 - i) When a request targets a location or institution, is there a reasonable indication that the leadership or staff members are involved in unlawful activity?
 - j) To what extent does the threatened criminal activity implicate free expression or association, political speech, or religious speech?
 - k) Is there any indication that the request is motivated by race, religion, or ethnicity?

IV. Community Concerns

Throughout my second year as Civilian Representative, I engaged with many community organizations to better understand their concerns regarding NYPD investigations and the Handschu process. I detail only some of the concerns raised below. Because many of the concerns raised fall outside the scope of the Operative Guidelines, they cannot be addressed by the Civilian Representative. However, I did have an opportunity to discuss these issues with the NYPD. And, where appropriate, I conveyed the response to the relevant community organizations.

The *first* concern relates to the NYPD's interactions and coordination with external entities—for example, the FBI or Immigration and Customs Enforcement (“ICE”). The community had specific concerns in the past year related to federal efforts to enforce immigration laws against noncitizens. Although New York City has adopted certain laws, policies, and practices that limit the ways in which city workers, including the NYPD, may facilitate detention or deportation of noncitizens, several organizations highlighted recent events that raise questions about how the NYPD may be sharing information with ICE in furtherance of such efforts. Community organizations have asked how the Operative Guidelines apply to the NYPD's coordination with ICE, and other law enforcement agencies. These questions implicate the Handschu process given reported concerns that federal agencies may be targeting noncitizens for immigration enforcement action based on their political speech. I raised these issues with the NYPD. Separately, at the request of the City Council, the New York City Department of Investigation (“DOI”) investigated the NYPD's cooperation with ICE. On December 3, 2025, after my discussions with the NYPD, the DOI issued a report entitled “DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement” (the “DOI Report”) that sets out findings and recommendations relevant to concerns that community organizations have raised to me.²¹

²¹ Jocelyn E. Strauber & Andrew Sein, N.Y.C. Dep't of Investigation, *DOI Investigation into the NYPD's Compliance with Local Laws Restricting City Assistance with Immigration Enforcement*,

In my conversations with the NYPD, the NYPD emphasized, first, that ICE is a large agency with multiple different functions. The NYPD understood the community concerns I raised to relate to the Enforcement and Removal Operations (“ERO”) component of ICE, which is responsible for the enforcement of civil immigration laws. The NYPD told me, unequivocally, that it does not assist in any way with civil immigration enforcement. Moreover, the NYPD emphasized that this bar on assistance with civil immigration enforcement applies no matter which federal agencies may be engaged in that enforcement. In fact, the federal government recently filed a lawsuit against the NYPD (as well as other New York City entities and New York City itself) for “impeding . . . consultation and communication between federal and local law enforcement officials” in relation to such enforcement.²² That lawsuit alleges that in January 2025, the NYPD issued an order—“Operations Order No. 4”—that categorically prohibits the NYPD from facilitating federal civil immigration enforcement efforts.²³ The text of Operations Order No. 4, which the United States attached as an exhibit to its pleading, provides that “members of service are not permitted to engage in civil immigration enforcement, assist in any manner with civil immigration enforcement, or allow any [NYPD] resources to be used in connection with civil immigration enforcement.”²⁴

With respect to assistance with civil immigration enforcement, the information that the NYPD provided to me is broadly consistent with the findings memorialized in the DOI Report. The DOI “[b]roadly . . . concluded that the NYPD has been working diligently to ensure that its policies with respect to assisting federal law enforcement agencies comply with local laws” that limit such assistance.²⁵ The DOI also noted that “several NYPD policies lack the clarity necessary to ensure consistent responses to requests for assistance with civil immigration enforcement” and that NYPD officers “should be better trained on their obligations under the NYPD’s policies.”²⁶ The DOI Report includes seven recommendations for improvement, each of which the NYPD has accepted.²⁷

<https://www.nyc.gov/assets/doi/reports/pdf/2025/49NYPD.SancLawsRelease.Rpt.12.03.2025.pdf> (last visited Jan. 5, 2026) (“DOI Report”).

²² *United States v. City of New York, et al.*, Case No. 1:25-cv-04084- RER-PK (E.D.N.Y.), ECF No. 1, ¶ 7.

²³ *Id.* ¶¶ 74–77.

²⁴ *Id.*, ECF No. 1–10 Exhibit H, Operations Order No. 4, ¶ 6.

²⁵ DOI Report at 1.

²⁶ *Id.* at 4.

²⁷ *Id.* at 4–6, 38–44. The recommendations are:

Recommendation 1: “The NYPD Should Amend its Policy to Require Enhanced Review of *All* Custody Transfers to Federal Agents, Not Only Transfers to ‘Federal Civil Immigration Agents’” (emphasis in the original);

Recommendation 2: “The NYPD Should Update and Formalize its Procedure for Responding to Detainer Requests from Federal Agents into a Comprehensive Written Policy;”

Recommendation 3: “The NYPD Should Improve Its Policies for Processing Requests for Assistance from Federal Agents by Providing Additional Guidance;”

It is important to note that the NYPD works routinely—indeed, daily—with the federal government on criminal matters unrelated to immigration enforcement, and that work includes sharing information with Homeland Security and Investigations (“HSI”), which is the primary criminal investigative arm of the Department of Homeland Security and other federal agencies. For example, if the NYPD arrested subjects of an ongoing criminal investigation for disorderly conduct at a university campus protest, the NYPD typically would provide the criminal summonses to its partner agency in response to a request in connection with its criminal investigation, provided that the summonses were not sealed. I conveyed community concerns about a particular case that followed a similar fact pattern and had been the subject of media interest—where, contrary to state law prohibiting the release of sealed arrest records, the NYPD provided to HSI sealed records of an individual whom the federal government subsequently sought to deport after HSI requested the records purportedly in connection with a money laundering investigation.²⁸ This case was an impetus for the DOI’s investigation, and is addressed in the DOI Report. The NYPD explained to me that it had investigated the disclosure and determined that the NYPD had followed its own procedures appropriately. According to the NYPD, it relies on the Office of Court Administration (“OCA”) to identify what matters are sealed, and OCA did not identify the individual’s arrest record as sealed. The NYPD informed me that it has since taken steps to ensure that it receives from OCA the information necessary to determine which records are sealed and thus cannot be disclosed. The information the NYPD provided to me is consistent with DOI’s investigation of this incident.²⁹

The NYPD’s regular information-sharing with the government with respect to criminal matters, while necessary for effective criminal law enforcement, raises questions about the NYPD’s potential unintentional assistance in civil immigration enforcement given the widespread public concern that federal agencies have initiated pretextual criminal investigations into noncitizens because of their political speech, in order to facilitate their deportation. These questions primarily arise in the context of requests from federal agencies for information about “unknown subjects,” i.e., individuals who do not have a known connection to active joint NYPD/federal criminal investigations. The DOI Report outlines enhanced supervisory measures that the NYPD has implemented to address requests relating to unknown subjects. In particular, the NYPD does not take at face value a federal agency’s representation that a request is for the purpose of enforcing the criminal laws: rather, among other requirements, a NYPD Supervisory Task Force Officer must now “confer with the [federal] agency and determine whether the request

Recommendation 4: “The NYPD Should Provide Officers with Further Training on When and How to Report and Document Requests for Assistance from Federal Law Enforcement”;

Recommendation 5: “The NYPD Should Improve Its Recordkeeping and Reporting Pursuant to Local Law 228”;

Recommendation 6: “The NYPD Should Conduct an Email Audit of NYPD Members Assigned to Federal Task Forces”;

Recommendation 7: “The NYPD Should Adopt Guidelines Implementing Local Law 246.”

²⁸ See, e.g., Maria Cramer & Chelsia Rose Marcius, *Why Did the N.Y.P.D. Hand Over a Sealed Arrest to Homeland Security?*, N.Y. Times, May 6, 2025, <https://www.nytimes.com/2025/05/06/nyregion/nypd-ice-deportation-case-sealed-records.html>.

²⁹ See DOI Report at 22–25.

relates to an active criminal investigation” before the NYPD provides the requested information.³⁰ While this requirement does not offer complete protection against the possibility of pretextual federal criminal investigations, it is an important safeguard. Its force, moreover, should be buttressed by the NYPD’s acceptance and implementation of the DOI’s Recommendation No. 3, which, among other things, advises that where the NYPD concludes after conferral that a federal agency’s request relates to an active criminal investigation, NYPD personnel should be required to document how they reached that conclusion. As the DOI Report states, this requirement would help “ensur[e] that NYPD personnel make informed decisions when information is requested from federal agents and . . . facilitat[e] oversight on those decisions.”³¹

The *second* concern relates to the generation of leads. As an initial matter, some organizations were concerned that leads might be generated solely on unwarranted assumptions about the meaning of certain words, symbols, or phrases. For example, the organizations suggested that a training session attended by the NYPD taught that watermelons and keffiyehs are antisemitic symbols; one organization worried that the presence of such symbols might, in itself, serve as the basis for lead generation. I discussed this concern with the NYPD, which informed me that such symbols cannot serve as the basis for generating leads. The NYPD emphasized, further, that it absolutely does not presuppose that pro-Palestinian support is synonymous with support for organizations that support terrorism, and that its investigative efforts are focused on individuals, irrespective of their political ideology, who, consistent with the Handschu Guidelines, are believed to be engaged in unlawful conduct. The NYPD also noted that the training session in question was not an NYPD training at all; at a conference attended by certain NYPD executives a presenter made statements that are flatly inconsistent with Department policies and practices.

The NYPD contracts with third-party vendors to provide technology to support the investigative and lead generation process, and I also raised with the NYPD continuing community concerns that such technology may be deployed in a biased manner (for example, by using algorithms more likely to target individuals of particular races or religions than others). Although the lead generation process occurs prior to a request brought before the Handschu Committee, the NYPD provided me with briefings on the lead generation process and its use of technology. The NYPD has informed me that, to its knowledge, these third-party algorithms are not disparately impacting certain groups. Moreover, the social media analysis tools that the NYPD relies on in its investigative efforts do not proactively generate leads—they support an investigative process that is consistent with the Handschu Guidelines. However, it does not appear to me that the NYPD has sufficient information about the operation of its vendors’ technology to confirm the absence of bias in the lead generation process. Due to the proprietary nature of the technology, the NYPD has very limited insight into the keywords the vendors may use.

Although technically not an issue related to the Operative Guidelines, the *third* area of concern related to the presence of the NYPD’s Strategic Response Group (“SRG”) at protests. I relayed questions some organizations raised regarding whether the SRG was disproportionately deployed to protests based on their content or organizers (e.g., protests affiliated with pro-Palestinian organizations or Black Lives Matter), and about whether and how the NYPD’s

³⁰ DOI Report at 18–19; *see id.* at Appendix D.

³¹ DOI Report at 41.

Intelligence Division made use of recordings, like bodycam footage or drone footage, of protests. The NYPD informed me that SRG deployment at protests is not based on the cause that protestors espouse—indeed, the NYPD stated that it would be improper and a violation of Department policy if deployment decisions were made on that basis—and that SRG is deployed at protests only in certain circumstances in which individuals are engaged in criminal conduct. As to questions about the use of recordings, the NYPD stated that body cameras were not to be activated at protests that were peaceful, but that officers were required to turn them on if unlawful activity was afoot or occurring. Drones, meanwhile, often are used for large protests or to assist the NYPD in determining protest routes and where on those routes to allocate officers. The NYPD does not monitor such footage except in connection with an investigation of criminal activity, or to assess crowd control.

The *fourth* area of concern related to the perceived disparities in the NYPD's investigations into antisemitic conduct, as opposed to Islamophobic conduct. In particular, the community is concerned that the NYPD devotes far fewer resources to the investigation of the latter than it does to the former. Relatedly, there is a concern that the threshold for opening an investigation into antisemitic conduct is lower than that required to open an investigation into Islamophobic conduct. I have raised these concerns with the NYPD. The NYPD assured me that they are threat-agnostic, i.e., the NYPD investigates all conduct that is raised to its attention, and that it does not value one certain conduct as more worthy of investigation or higher scrutiny than others.

Finally, many community organizations continue to express concerns that pressures from the federal government could result in the loosening or circumvention of protocols under the Operative Guidelines. The NYPD informed me that there was no loosening or circumvention of the process in place. I have also continued to carefully and thoroughly review all requests put before the Handschu Committee to ensure that the process is followed.

V. Summary of Findings

In my second year as Civilian Representative, I have continued to find the Handschu Committee to be highly receptive to my input and the Investigative Statements presented to me to be thorough and appropriate. I have had numerous discussions with the Handschu Committee and Intelligence Division regarding my perspective on how the Operative Guidelines apply to various scenarios. Likely as a result of this ongoing feedback, the NYPD has made no requests to open an investigation that the Deputy Commissioner of Intelligence and Counterterrorism denied, or provisionally denied pending additional information or revision of the request.

During the Relevant Period, as compared to the preceding year:

- a) the total number of approved requests to open new investigations *increased* by 17%;
- b) the total number of approved requests to extend pending investigations *decreased* by 28%;
- c) the total number of approved requests to authorize undercover investigations *increased* by 17%;

- d) the total number of approved requests to extend pending undercover investigations *increased* by 2%;
- e) the total number of approved requests to close pending investigations *increased* by 8%;
- f) the *average length* of all Handschu investigations that closed *increased* from 280 days to 686 days (representing an increase of 160%), an increase that resulted in significant part from the closure of a single, long-running Terrorism Enterprise Investigation;
- g) the *average length* of Preliminary Investigations that closed was 435 days;
- h) no Full Investigations closed; and
- i) the average length of Terrorism Enterprise Investigations that closed was 3,949 days.

VI. Required Reporting Pursuant to Section VI(5)(i) of the Revised Handschu Guidelines

Pursuant to Section VI (5)(i) of the Handschu Guidelines, the Civilian Representative is required to report on five items:

1. *Whether the Civilian Representative has objected to any investigation over the period covered by this Report and the Civilian Representative's basis for any objection.*

I have not made any formal objections to any investigation within the past twelve months. All of the members of the Handschu Committee discussed at great length each decision to open or extend an investigation. The Handschu Committee made no final recommendation to open or extend an investigation that I, after substantive participation in these discussions, did not agree with. Additionally, there has not been an occasion where I believed that a request should not be approved and where other members of the Handschu Committee expressed disagreement.

At Handschu Committee meetings, the Handschu Committee discusses every request in detail. Typically, the Director of Intelligence Analysis leads the discussion while other Committee members join to provide additional information, background and insights as necessary. Everyone in attendance, both Committee members and other relevant personnel, participate in the discussion of each request. Everyone in the meeting is free to ask questions. If my questions are not addressed by the presentation or the ensuing discussion, I raise those questions thereafter. My questions have included, among other things, concerns about: (1) the remoteness of the latest information provided; (2) the reliability of the person(s) providing the considered information; (3) the potentially protected nature of the speech at issue; and (4) the quantum of reliable information supporting the request. Through this process, the Handschu Committee has reached consensus on the propriety of each request.

If I am concerned about an application after reviewing it in advance of the Handschu Committee meeting, I generally note my questions for discussion during the meeting.

Occasionally, I alert the Director of Intelligence Matters, head of the Legal Matters Unit for Intelligence Affairs, of such questions prior to the meeting, so that the NYPD can come to the meeting prepared with any additional materials or personnel to provide more detail regarding the application.

The Deputy Commissioner has been deferential to the Committee's recommendations. On some occasions, the denial of an extension was driven by concerns raised by the Deputy Commissioner or other NYPD personnel.

2. *Whether the NYPS has substantially obtained timely approval for extending and closing investigations.*

I find that over the last twelve months, the NYPD has met its deadlines for extending and closing investigations 100% of the time. This observation is based upon my review of the NYPD data on the extension and closing of its investigations, in addition to quarterly presentations on the deadlines by the Director of Intelligence Matters.

The Intelligence Division's tracking system includes automated alerts notifying certain Intelligence Division and Legal Bureau personnel when all active investigations and undercover authorizations are due for renewal. This system became active on July 1, 2016. As a redundancy, the Legal Matters Unit also revised its spreadsheet for tracking Handschu-related deadlines in September 2016. The Legal Matters Unit's spreadsheet tracks, among other things, deadlines for investigations, undercover authorizations, operational reviews, and presumptive time limits for investigations. Both of these developments were undertaken to assist in complying with the Guidelines. Neither the Intelligence Division's tracking system nor Legal Matters Unit's spreadsheet has changed since the Operative Guidelines were revised in March 2017.

3. *Whether the NYPD has substantially obtained timely approval for the use of human resources.*

I find that over the past twelve months, the NYPD has met its deadlines for approving the use of human resources 100% of the time. This observation is based upon my review of the NYPD data.

4. *Whether the NYPD has substantially fulfilled its obligations to review the Preliminary Investigations, Full Investigations and Terrorism Enterprise Investigations every six months.*

I find that the NYPD has a 100% compliance rate with its obligation to review Preliminary Investigations, Full Investigations and Terrorism Enterprise Investigations every six months. This observation is based upon my review of the NYPD data.

5. *Whether or not I have addressed any communication during the annual period to the Court under VI(5)(g) or (h).*

I have not communicated with the Court under VI(5)(g) or (h) during the Relevant Period. I have not had any concerns regarding the NYPD's compliance with the Operative Guidelines and have not observed any violations therewith.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Muhammad U. Faridi". The signature is written in a cursive style with a prominent initial "M".

Muhammad U. Faridi
NYPD Handschu Committee
Civilian Representative

January 6, 2026