

Federal Court releases Seventh Annual Report of Civilian Representative under *Handschu* political surveillance court decree

On January 27, 2026, the Seventh Annual Report of a Civilian Representative (CR) who sits on a police body which screens requests by the New York City Police Department (NYPD) when it seeks to investigate constitutionally protected political and related expression by New Yorkers, was posted on the public docket of the federal court in Manhattan. The participation of a CR appointed by the Mayor, and an annual Report, are part of court-ordered rules created in *Handschu v. Special Services Division*. Originally filed in 1971 and popularly known as the “Red Squad” case, the class action resulted in court-ordered guidelines, which are rules the NYPD is to follow when investigating political and constitutionally protected activity. The guidelines require that police investigations involve illegal conduct, and that the NYPD may not generally gather information about protest, political, association and religious activity which does not break the law. The CR also participates in the police body’s periodic review of NYPD requests to continue previously approved investigations of potential illegal activity, and has the power to report concerns directly to the federal judge presiding in the *Handschu* case.

Read the Civilian Representative’s 7th Annual Report, which appears on the public docket of the U.S. District Court for the Southern District of New York, 71-cv-2203, Docket No. 515: <https://www.nyclu.org/uploads/2007/07/Civ-Reps-Report-Docket-515-1-27-26.pdf>

The current court-ordered rules governing NYPD investigation of political activity are here: <https://www.nyclu.org/sites/default/files/20170301-handschudecreeguidelines.pdf>

In Section IV of the Report, the CR addresses some concerns he has received from New Yorkers in the past year. One of the CR’s comment states “...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.”

In a 2016 opinion, United States District Judge Charles S. Haight, who presided over the *Handschu* case for more than 40 years, wrote about the protections the rules are designed to have for the constitutional rights of New Yorkers:

“The temporal boundaries of the class embrace the past, present and future. Class members are those who ‘engage in or have engaged in’ specified lawful activity in the City, and as a result of those activities ‘have been, are now or hereafter may be’ subjected to specified kinds of police investigation and surveillance. Unless and until that class is terminated by the Court for good cause shown, it will continue for the foreseeable future, or at least for as long as the City of New York stands, people reside in or visit the City, organizations operate within the City, and the City maintains a police force to protect the public and assist in enforcement of the rule of law.” 219 F.Supp3d 388 at 391

A thumbnail history of the *Handschu* case's 55-years is on links below. *Handschu* was filed by civil rights attorneys Jethro Eisenstein and Martin Stolar in 1971, joined in the 1970's by Paul Chevigny of the NYCLU and Franklin Siegel, and by the NYCLU's Arthur Eisenberg in the early 1990's. In 2023, Perry Grossman and Daniel Lambright of the NYCLU, and Gideon Oliver, joined as class counsel.

Thumbnail history of the *Handschu* Political Surveillance (“Red Squad”) case

Podcast – The Legacy of the *Handschu* Consent Decree, New York City Bar Association, January 9, 2025 (53 mins)

<https://www.nycbar.org/podcasts/the-legacy-of-the-handschu-consent-decree-nypd-investigations-of-political-activity/?back=1>

Handschu case 50th Anniversary NYCLU web program, May 26, 2021 (1 hr 15 mins)

<https://www.youtube.com/watch?v=HbmnwmlCBYQ>

Small selection of press reports on *Handschu* case

New York Times on the filing of the *Handschu* case, May 18, 1971

<https://nyti.ms/1QCuKjr>

New York Times on Settlement of *Handschu* case, December 31, 1980, pg. A1

<https://timesmachine.nytimes.com/timesmachine/1980/12/31/113749799.html?pageNumber=21>

New York Times on an early *Handschu* enforcement motion (“The Black Desk”), July 3, 1987, pg B1

<https://nyti.ms/29zInVZ>

New York Times on videotaping lawful demonstrations, June 14, 1990

<https://timesmachine.nytimes.com/timesmachine/1990/06/14/217990.html?pageNumber=29>

Village Voice, December 18, 2002, “The NYPD Wants to Watch You” (post-9/11 NYPD motion to vacate *Handschu* political and First Amendment surveillance rules)

<https://www.villagevoice.com/the-nypd-wants-to-watch-you/>

New York Times on videotaping public gatherings

February 16, 2007, pg A1

<https://www.nytimes.com/2007/02/16/nyregion/16police.html?smid=url-share>

New York Times on Muslim Surveillance enforcement motion, October 4, 2011

<https://www.nytimes.com/2011/10/04/nyregion/review-of-nypd-monitoring-of-muslim-communities-is-sought.html>

New York Times on result of Muslim Surveillance enforcement motion, March 6, 2017

<https://www.nytimes.com/2017/03/06/nyregion/nypd-spying-muslims-surveillance-lawsuit.html?smid=url-share>

New York Times Editorial on settlement of Muslim Surveillance enforcement motion, March 15, 2017

<https://nyti.ms/2nmoYOk>