

New York Police Department collecting DNA from unsuspecting workers and youth

Erik Schreiber
31 August 2019

The New York Police Department (NYPD) has been collecting DNA samples from individuals without probable cause, in a blatant violation of the Fourth Amendment protection against unreasonable searches and seizures. In addition to collecting samples from people convicted of crimes, the police have taken DNA from people they have arrested or simply questioned. The samples often are taken without the person's knowledge from objects that he or she has touched, such as cigarettes, coffee cups or water bottles.

New York City's genetic database, the Local DNA Index System, was established in 2009 and operates with little oversight. Since 2017, it has grown by about 29 percent. It includes 82,473 genetic profiles, approximately 31,400 of which—about 38 percent—came from people who were arrested or questioned, but had not been convicted of any crime, according to the Legal Aid Society.

New York State also operates a genetic database that, according to state law, can only store the DNA of people convicted of crimes. Databases established by local authorities such as New York City, however, are not subject to state requirements. Getting one's sample removed from the database requires a drawn-out legal process. Only seven DNA profiles were removed from the database in 2018.

The NYPD claims to be operating within the law and asserts that it needs the database to apprehend violent criminals and clear the names of people who have been wrongly accused. Millions who have followed the news or have learned from their own experience know that the protestations of concern for the rights of the innocent by the nation's largest police department are laughable.

The NYPD also says that, in most cases, it asks permission to take a DNA sample. For the police,

however, threats and intimidation are ways of “asking” permission. One man arrested on a charge related to marijuana told the *New York Times* that the police kept him in jail for a day in Queens until he consented to provide a saliva sample. The sample was ostensibly needed for an investigation into the murder of Karina Vetrano, a jogger in Queens. The man, who wished to remain anonymous, said that one officer explained, “We know it wasn't you, but we want to make sure.” This method violates the presumption of innocence and shifts the burden of proof to the accused.

During the investigation into Vetrano's murder, police arrested Justen Henderson for misdemeanor assault. When Henderson declined to provide a DNA sample, an officer threatened to lose the paperwork on his case, which would have kept him in custody longer. Because he wanted to go home, Henderson agreed to provide the sample.

In 2016, officers came unannounced to the Brooklyn home of Maurice Sylla to obtain a DNA sample. Sylla was not at home, and the detectives thuggishly tried to intimidate his niece by asking about the family's immigration status.

The police have also tricked children to get their DNA. The detectives who were questioning a 12-year-old boy facing a possible felony charge offered him a soda. After the boy left the station, the detectives took his DNA from the straw. Although the NYPD dropped the charges against the boy, it kept his DNA in the database. The family had to undergo more than one year of legal proceedings to have the DNA removed. The onerous process required petitioning a court and filing an appeal. All of these incidents expose the NYPD's alleged concern for the rights of the innocent as fraudulent.

The Local DNA Index System is part of a larger

surveillance apparatus that also includes a facial recognition database. Since 2015, the NYPD has been loading arrest photos of children (mostly between ages 13 and 16, but some as young as 11) into this database. Not only does this practice encroach on children's privacy, it violates the protected status accorded to them in the legal system.

Studies indicate that facial recognition technology has a higher rate of mistaken matches when it analyzes younger faces. Thus, an incorrect match that identifies a child as a suspect could haunt him or her later on. The NYPD keeps many of these images for years. Of 5,500 photos in the juvenile database, 4,100 of them are of children who no longer are age 16 or younger, and thus are considered adults. Democratic Mayor Bill de Blasio is aware that the NYPD is tracking children in this way.

In addition to high-tech methods, the NYPD continues to use cruder methods such as stop-and-frisk. Despite the claims that stop-and-frisk was virtually done away with after public outrage during the administration of former mayor Michael Bloomberg and a federal court decision holding it unconstitutional, the police continue to use it, although not as frequently, under de Blasio. At least 10,000 people are annually subjected to this tactic.

In theory, an officer can frisk someone only when he or she reasonably suspects that the person has a weapon that threatens the officer's safety. But in practice, officers frisked 66 percent of people they had stopped, and they found no weapon in more than 93 percent of these stops, according to a March 2019 report from the American Civil Liberties Union. Between 2014 and 2017, the police reported having stopped 73,055 innocent people, frisked 64 percent of them, and used force against 24 percent of them.

It was only last year that the NYPD dissolved its demographics unit, which had been spying illegally on Muslims. In 2002, in the aftermath of the attacks of September 11, 2001, the NYPD began infiltrating Muslim student groups and putting informants into mosques. The department also deployed photo and video surveillance, tracked individual Muslims, and maintained a database of its findings.

The NYPD's illegal spying extended into Pennsylvania, Connecticut, and New Jersey. In the latter state alone, the NYPD was monitoring at least 20 mosques, 14 restaurants, 11 shops, two schools and two

Muslim student groups. This flagrant violation of the Fourth Amendment was executed under the pretext of preventing "radicalization." A department report described this so broadly that it included wearing traditional Islamic clothing, abstaining from alcohol, or engaging in social activism. Exposure of these egregious crimes prompted great public outcry that forced an end to this surveillance.

The NYPD is not an exception among law enforcement agencies. Police departments across the country stop and frisk people without probable cause. State and local police in Texas, Arizona, Minnesota, and Nebraska, to name only a few, track workers with facial recognition technology. Thirty states and the federal government allow the analysis of DNA taken from people who are arrested or charged, but not convicted, of certain crimes.

These policies are being pursued at a time of great social tension, strikes and mass demonstrations in Paris, Hong Kong, Puerto Rico and elsewhere around the world. The ruling elites rightly fear any independent movement of the working class. They are adopting increasingly authoritarian measures to divide and suppress workers in order to prevent any challenge to their system of exploitation and inequality.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact