



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York Advisory Committee to the U.S. Commission on Civil Rights

Re: Public Briefing on Policies and Practices of the New York City Police Department

March 20, 2017

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Dear Members of the New York Advisory Committee to the United States
Commission on Civil Rights:

Advocates for Children of New York, Inc. (“AFC”) appreciates the opportunity to provide testimony at the public hearing on policies and practices of the New York City Police Department (“NYPD”). Our testimony focuses on how arrests, summonses, and handcuffing of students in New York City by the NYPD disproportionately impacts students who are Black or who have disabilities and makes recommendations to address these significant issues.

For forty-five years, AFC has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. AFC provides a range of direct services, including free individual case advocacy, such as assisting students who are excluded from school through suspension, arrest, summons, or inappropriate referral to the emergency room due to unaddressed or unsupported behavioral and mental health needs. AFC works to help these students get the support they need to address their behavioral and mental health issues and succeed in school. AFC also works on institutional reform of education policies and practices through advocacy and litigation and advocates for positive, restorative, and trauma-informed alternatives to exclusionary, punitive discipline.

The Significant Damage Incurred By Policing Students in School

The over-reliance on police to address disciplinary matters in schools throughout the country has resulted in a disproportionate number of students of color and students with disabilities being pushed out of school.¹ The use of harsh, punitive, and exclusionary discipline, including law enforcement, creates the potential for significant, negative

¹ Nance, Jason P., *Students, Police, and the School-To-Prison Pipeline*, Washington Univ. L. Rev. 93, 4 (2016).



educational and long-term outcomes.² Research indicates that when behavioral supports are not provided and students face school suspension and expulsion for misbehavior, there is an increase in the likelihood that students will be held back a grade, not graduate, drop out of school, receive a subsequent suspension or expulsion, and become involved in the juvenile or criminal justice system, thereby feeding the school-to-prison-pipeline.³ Arresting, issuing summonses to, and handcuffing students in school has a significant negative impact on school climate and the lives of individual students.⁴ Furthermore, police intervention enhances the racial disparities by ignoring the root causes of student behavior.⁵

Criminalizing student misbehavior is especially concerning given the ample research on adolescent development showing that adolescents are more susceptible to peer influence, more apt to disregard future consequences, more sensitive to short term rewards, and more impulsive than adults.⁶ Indeed, neuroscience demonstrates that the adolescent brain is not fully mature; it does not have the same capacity as adults to modulate emotions in charged situations.⁷ Policies and practices that criminalize student misbehavior fail to account for this biological reality.

There are also numerous collateral consequences associated with the criminalization of normative child and adolescent behavior, including time out of school learning and falling behind due to court appearances, potential incarceration for missed court appearances, and fines and/or incarceration associated with guilty pleas and convictions.⁸ A criminal record – or even an arrest – can hinder a student’s ability to

² See Rumberger, R.W. & Losen, D.J., *The High Cost Of Harsh Discipline And Its Disparate Impact*, The Center for Civil Rights and Remedies (June 2, 2016).

³ Council of State Governments Justice Center, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (2011); Losen, D.J., Gillespie, J., *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*, The Center for Civil Rights Remedies at The Civil Rights Project (2012).

⁴ Nance, supra note 1. See also U.S. Dep’t of Educ. Secretary of Educ., Dear Colleague Letter (Sept. 8, 2016), available at <https://www2.ed.gov/policy/gen/guid/school-discipline/files/ed-letter-on-sros-in-schools-sept-8-2016.pdf>; U.S. Dep’t of Justice Office of Community Oriented Policing Services, Dear Colleague Letter (Sept. 8, 2016), available at <https://www2.ed.gov/documents/press-releases/cops-sro-letter.pdf>.

⁵ Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (2011), http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_executivesummary.pdf.

⁶ Steinberg, Laurence, *Adolescent Development and Juvenile Justice*, *Annual Rev. Clin. Psychol.* 5:59-68 (2009).

⁷ See *id.*

⁸ See, e.g., Nance, supra note 1; Legal Action Center, Webinar: Helping Justice-Involved Individuals with Substance Use & Mental Health Disorders: Understanding How Laws, Regulations, & Policies Affect Their Opportunities (July 19, 2016) <https://lac.org/wp-content/uploads/2016/08/Synthesis-of-Federal-New-York-Barriers.pdf>.



apply to college, receive federal student loans, receive scholarships or grants, obtain employment, and apply for housing.⁹ It also carries serious immigration consequences and can lead to a student's deportation out of the country.¹⁰ Given the current level of enforcement by the United States Immigrations and Customs Enforcement¹¹, now more than ever, the impact of arrests and summonses in school – even for low-level offenses – could trigger permanent, life-altering consequences for our immigrant and undocumented youth.

Disproportionate Policing of Black and Hispanic Students in New York City Schools

As a result of amendments to New York City's Student Safety Act signed into law in October 2015, beginning in 2016 the NYPD has been required to report more robust information related to arrests, summonses, and handcuffing of students in school by the NYPD and post the information on its website.¹² New York City data and AFC's experiences reflect the disturbing national trend that students of color, particularly Black students, are disproportionately policed in school. The racial disparities are particularly troubling because they have not changed despite New York City's promising downward trend in school crime and the number of students arrested and issued summonses in school over the last five years.¹³

NYPD data for the 2016 calendar year shows rather alarming racial disparities:¹⁴

Arrests

- 97% of the 1263 arrests in school were made to students of color

⁹ *See id.*

¹⁰ *See* Columbia Law School, Collateral Consequences Calculator – New York State, available at <https://calculator.law.columbia.edu/>.

¹¹ EXECUTIVE ORDER: ENHANCING PUBLIC SAFETY FOR THE INTERIOR OF THE UNITED STATES (Jan. 25 2017), available at <https://www.Whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.

¹² NYC Council, Int. 0730-2015, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253272&GUID=9BACC627-DB3A-455C-861E-9CE4C35AFAAC>.

¹³ The City of New York, Office of the Mayor, Press Release: "Mayor de Blasio Announces Expansion of Programs to Keep Students in School and Improve Overall School Safety" (Feb. 27. 2017), available at <http://www1.nyc.gov/office-of-the-mayor/news/115-17/mayor-de-blasio-expansion-programs-keep-students-improve-overall>.

¹⁴ *See* the Appendix for further analysis of the data. To view the raw data reported by the NYPD pursuant to amendments to the Student Safety Act, *see* http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml.



- 62% of the arrests were made to Black students even though Black students comprised only 27.1% of students enrolled¹⁵
- Only 3% of the arrests were made to White students even though White students comprised 14.8% of students enrolled

Summonses

- 97% of the 907 summonses issued in school were issued to students of color
- 56% of the summonses were issued to Black students even though Black students comprised only 27.1% of students enrolled
- Only 3% of the summonses were issued to White students even though White students comprised 14.8% of students enrolled

Juvenile Reports

- 95% of the 923 juvenile reports issued to students in school were issued to students of color
- 52% of the juvenile reports were issued to Black students even though Black students comprised only 27.1% of students enrolled
- Only 5% of the juvenile reports were issued to White students even though White students comprised 14.8% of students enrolled
- Black and Latino/Hispanic students were substantially more likely than White students to be handcuffed when receiving juvenile reports:
 - 101 out of 484 Black students issued juvenile reports were restrained
 - 66 out of 360 Latino/Hispanic students issued juvenile reports were restrained
 - 5 out of 46 White students issued juvenile reports were restrained

Mitigation

- Black and Latino/Hispanic students were both more likely than White students to be handcuffed during “mitigation” interventions by law enforcement. “Mitigation” means that NYPD officers handcuffed students, but did not arrest, issue a summons, issue a juvenile report, or remove the students to a hospital for psychiatric evaluation.

¹⁵ The New York City demographic enrollment data by race is from the 2015-2016 school year, the most recent school year for which demographic data is available on the New York City Department of Education website. See Demographic Snapshot, available at <http://schools.nyc.gov/Accountability/data/default.htm>.



Children in Crisis Handcuffed

- Nearly all (99.7%) of the 303 “children in crisis” who were handcuffed by NYPD in school and then removed to a hospital for psychiatric evaluation involved students of color, including some as young as 7 years old
- 69% of the “children in crisis” who were in handcuffed by NYPD officers in school and then removed to a hospital for psychiatric evaluation were Black students even though Black students comprised only 27.1% of students enrolled
- Only 0.3% of the “children in crisis” who were in handcuffed by NYPD officers in school and then removed to a hospital for psychiatric evaluation were White students even though White students comprised 14.8% of students enrolled

This racial disproportionality reflects many years of AFC’s own client experiences. For example, just this school year, we represented a 15-year-old Hispanic girl shot in school by a police officer with a taser gun, even though she was already lying on the ground handcuffed and surrounded by several other NYPD officers. Since she began attending the school in the fall, her mother had repeatedly requested positive behavioral supports and interventions and an Individualized Education Program (“IEP”) from the school due to her mental health condition. However, the school never provided the supports and an IEP. By contrast, her previous school had successfully implemented specific positive behavior intervention practices that helped her to manage her behavior and avoid problems.

Early in the winter, the student became agitated and upset during lunch when another student, who had been bullying her for three months, threw food at her head. Even though the school knew she had a significant mental health history, they failed to reach a trained mental health professional to de-escalate the situation and help her calm down during the emotional crisis. Instead, an administrator contacted School Safety Agents and NYPD precinct officers who then violently restrained her with handcuffs. Upon being restrained, she became more agitated. Then an NYPD officer shot the student with a taser gun, even though the student was already physically restrained. To make matters even worse, the police officers hauled her off to a local precinct and gave her a juvenile report for disorderly conduct. Traumatized by the experience, the student was subsequently diagnosed with Post-Traumatic Stress Disorder (“PTSD”) and transferred out of the school. Instead of responding to her as a student in crisis in need of behavioral interventions and supports by trained mental health professionals, the police treated her as a criminal.



As another example, last year we represented an 8-year-old Hispanic boy with a disability who was handcuffed for nearly three hours while surrounded by numerous police officers. Instead of providing the child with positive behavioral supports and interventions, School Safety Agents got involved and escalated a minor lunchroom incident involving a plastic spork (combination of a spoon and a fork) and then called in NYPD officers who handcuffed the child. Even after the child’s parents arrived and the little boy was clearly calm, the NYPD officers refused to take the handcuffs off the child. They also refused to allow the child’s parents to take him home, insisting that Emergency Medical Services transport the child to the hospital. The child was released from the hospital shortly after receiving a psychiatric examination.

As yet another example, last year we helped a Black teenager arrested in school on misdemeanor charges for allegedly writing a three-letter word on the wall. A School Safety Agent interrogated the student in the school and then called the local precinct. Two detectives brought the student to the precinct and interrogated him for hours, which led to a false confession to engaging in other graffiti. When the principal found out, he was appalled and advocated for handling this matter as a school disciplinary matter and without law enforcement intervention. The prosecutor ultimately agreed to dismiss the criminal charges.

Recommendations

We have two recommendations to reduce racial disparities in police interventions in school that will also help create healthy, safe, and inclusive school communities where students and educators can thrive and hold students accountable. First, New York City should revise its policies and procedures, including the Memorandum of Understanding (“MOU”) between the City, NYPD, and DOE, to clarify and significantly limit the role of law enforcement in schools. Second, New York City should invest in a long-term plan and funding to develop and expand positive and inclusive alternatives to arrest, summonses, and handcuffing.

New York City Should Revise Policies and Practices, including the MOU between the City, NYPD, and DOE, to Clarify and Significantly Limit the Role of Law Enforcement in Schools

In February 2015, Mayor Bill de Blasio convened the Mayoral Leadership Team on School Climate and Discipline to reduce suspensions, summonses, and arrests in schools, while promoting safe and positive school climates.¹⁶ The Leadership Team

¹⁶ Convening a mayor-led Leadership Team charged with redesigning school discipline in New York City to keep students safely in school while avoiding suspensions, arrests, summonses, and inappropriate removals by EMS was the lead recommendation of the New York City School-Justice



produced two reports with recommendations.¹⁷ The second report recommends, among other things, revising the MOU between the City, DOE, and NYPD to clearly delineate the roles of the agencies in discipline and safety.

Among key recommendations in the Leadership Team report that the Administration should adopt are the following:¹⁸

- Clearly delineate the roles of school administration and staff and School Safety Agents and precinct officers to clarify that (i) school administrators have primary responsibility for intervening in and addressing student misbehavior and for ensuring consistent application of school rules and policies; and (ii) School Safety Agents and precinct officers are responsible for responding to serious criminal matters where there is a real and immediate threat of serious physical injury to a member of the school community.
- Create a system-wide ladder of referral, graduated response protocol, or diversion protocol to ensure that students are not subject to summonses or arrests for lower level offenses and normative child and adolescent misbehavior.
- Ensure that revised policies and practices are clearly and consistently reflected in the revised MOU, NYPD policy guides, and DOE Chancellor's regulations.

Partnership Taskforce, chaired by former Chief Judge of New York, Judith Kaye. The Taskforce, co-sponsored by the New York State Permanent Judicial Commission on Justice for Children and Advocates for Children of New York, released a report with this and other recommendations. *See* NYC SCHOOL-JUSTICE PARTNERSHIP TASK FORCE, KEEPING KIDS IN SCHOOL AND OUT OF COURT: REPORT AND RECOMMENDATIONS (2013), available at

http://www.advocatesforchildren.org/sites/default/files/library/sjptf_report.pdf?pt=1.

¹⁷ The first set of recommendations was released in a report by the Leadership Team in summer 2015. The Mayor's Leadership Team on School Climate and Discipline, Safety With Dignity, Phase 1 Recommendations (2015), available at <http://www1.nyc.gov/office-of-the-mayor/news/508-15/de-blasio-administration-proposal-make-new-york-city-schools-safer-fewer-students> A second and final set of recommendations was released in a report by the Leadership Team in summer 2016. The Mayor's Leadership Team on School Climate and Discipline, Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase 2 Recommendations (2016), available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.

¹⁸ *See id.*



New York City Should Invest in a Long-Term Plan with Necessary Funding to Develop and Expand Positive, Inclusive, and Supportive Alternatives to Arrest, Summons, Juvenile Reports, and Handcuffing Students in School.

Research demonstrates that positive student behaviors and academic achievement increase when students and staff feel safe, connected, fairly treated, and valued.¹⁹ There are numerous school-wide and district-wide evidenced-based approaches to address student behaviors and improve school climate that can be used in combination with each other,²⁰ as well as with individualized positive behavioral supports and interventions for students with disabilities required under federal and state law.²¹ The approaches used should be positive, preventative, restorative, and trauma-informed alternatives to exclusionary, punitive discipline and must be implemented with fidelity by trained school and mental health professionals, along with regular data tracking, evaluation, and monitoring of effectiveness. Examples of these approaches (to be used in combination with each other depending on the specific needs of the school and school district) include Restorative Practices, Collaborative Problem Solving, enhanced mental health services, Therapeutic Crisis Intervention (“TCI”), and Positive Behavioral Interventions and Supports (“PBIS”).

Restorative Practices

Restorative Practices is an evidence-based model that emphasizes building and repairing relationships and preventing the harm that conflict causes, rather than imposing punishment.²² Restorative Practices allows school officials to consider how students will best learn why they must change their behavior, requires students to take responsibility for their behavior, helps students learn to avoid such behavior, and

¹⁹ The Council of State Governments Justice Center, *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*, xi, xii, 28 (2014) (hereinafter “CSGJC Consensus Report”).

²⁰ See, e.g., *id.*; Contractor, D. & Staats, C., Kirwan Institute Policy Brief, Interventions to Address Racialized Discipline Disparities and School “Push Out” (May 2014), available at <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/05/ki-interventions.pdf>.

²¹ The Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act, and New York State Education law and implementing regulations contain specific provisions to ensure that students with disabilities are not removed from their classrooms because of their disabilities, but instead receive necessary behavioral supports. In particular, the laws’ requirements for Functional Behavioral Assessments and Behavior Intervention Plans to analyze and address the functions and causes of behavior, and for Manifestation Determination Reviews to prevent removals based on disability, provide safeguards against exclusion.

²² Webinar: Stemming the School-to-Prison Pipeline: Applying Restorative Justice Principles to School Discipline Practice, available at <https://safesupportivelearning.ed.gov/events/webinar/stemming-school-prison-pipeline-applying-restorative-justice-principles-school>; CSGJC Consensus Report, 56, 71-84 (2014).



provides an inclusionary response that keeps students in the classroom. Students are taught basic social skills to problem solve and diffuse conflict. Restorative Practices also provide students with meaningful opportunities to be accountable for their actions and responsible for helping to make their school a safe and nurturing place.²³

Collaborative Problem Solving

One preventative and restorative approach that has been particularly successful is Collaborative Problem Solving (“CPS”). CPS has demonstrated effectiveness with children and adolescents who have a wide range of social, emotional, and behavioral challenges across a variety of different settings, including schools. Similar to students with learning disabilities who struggle with thinking skills in areas like reading, writing or math, research has shown that students with behavioral challenges lack thinking skills related to flexibility, frustration tolerance, and problem solving. CPS teaches these skills primarily through helping children and the adults with them learn to resolve problems in a collaborative, mutually satisfactory manner.²⁴ Use of CPS helps schools move away from a punitive model to a problem-solving, skill-building approach in which students take responsibility for long-term behavioral change in an environment where the adults are trained to support them. Research shows that CPS can lead to dramatic decreases in behavior problems with the most challenging students.²⁵

Positive Behavioral Interventions and Supports

Positive Behavioral Interventions and Supports (“PBIS”) is a multi-tiered approach that helps schools achieve social and academic gains while minimizing problem behavior for all children.²⁶ It provides a school-wide prevention framework that guides the implementation of evidence-based academic and behavioral practices and often leads to significant reduction in the behaviors that result in disciplinary removals. The first tier focuses on preventing the development of problem behaviors by implementing high quality learning environments for all students and staff. The second tier focuses on reducing the problem behaviors that are high risk or not responsive to primary intervention practices by providing more focused, intensive,

²³ CSGJC Consensus Report, at 71-84.

²⁴ See www.thinkkids.org/learn/our-collaborative-problem-solving-approach/.

²⁵ *Id.*

²⁶ See U.S. Dep’t of Educ., Restraint and Seclusion: Resource Document, 3 (2012), available at <https://ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>; U.S. Dep’t of Educ. Office of Special Education Programs Technical Assistance Center on Positive Behavioral Interventions and Supports, Positive Behavioral Interventions and Supports (PBIS) Implementation Blueprint: Part 1—Foundations and Supporting Information, 6 (2015), available at <https://www.pbis.org/blueprint/implementation-blueprint>.



and frequent small group-oriented responses in situations where problem behavior is likely. The third tier focuses on reducing problem behaviors that are resistant to, or unlikely to be addressed by, primary and secondary prevention efforts by providing individualized responses to problem behavior.

Therapeutic Crisis Intervention

Therapeutic Crisis Intervention (“TCI”) is a model that focuses on addressing the needs of students with significant behavioral problems.²⁷ When used with fidelity along with Restorative Practices, TCI assists in preventing crises from occurring, de-escalating potential crises, effectively managing acute crises, reducing potential and actual injury to children and staff, teaching constructive ways to handle stressful situations, and developing a learning circle within the organization. This model gives schools a framework for implementing a crisis prevention and management system that reduces the need to rely on high-risk interventions and complements the Response to Intervention (RTI) approach, which, like PBIS, systematically delivers a multi-tiered range of interventions for students experiencing academic and social challenges.

While the City has piloted some of these approaches on an ad hoc basis and the number of school-based summonses and arrests have been decreasing significantly, it is imperative that the City commits to making strategic investments in building capacity across the school system in order to reduce racial disparities and make real and lasting changes in the ways that schools deal with student behavior. To do so, the City needs to invest in a long-term plan with funding to build capacity to develop and expand these positive, inclusive, and supportive approaches with fidelity.

As an initial important step towards increasing mental health supports for all high-need schools, the City should implement the recommendation of the Mayor’s Leadership Team on School Climate and Discipline to launch a pilot program providing a comprehensive mental health service continuum in high-need schools, including using hospital-based clinics and providing whole-school Collaborative Problem Solving training to support these schools.²⁸ The effort should be piloted in twenty schools in the South Bronx and Central Brooklyn that have historically high

²⁷ The Residential Child Care Project, Cornell University, “Therapeutic Crisis Intervention System for Schools” (2012), available at http://rccp.cornell.edu/_assets/TCIS_SYSTEM_BULLETIN.pdf.

²⁸ The Mayor’s Leadership Team on School Climate and Discipline, *Maintaining the Momentum: A Plan for Safety and Fairness In Schools, Phase 2 Recommendations*, 8, 21-25 (2016), available at http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16.pdf.



rates of school suspensions, arrests, summonses and emergency medical service calls. As recommended in the Leadership Team’s report released in July 2016, the proposed pilot would create a network of mental health services in addition to already existing hospital and social service supports for students and their families in these communities. It would also provide training in multi-tiered systems of support for school staff, with the goals of developing the skills needed in evidence-based practices to support students and connecting students and families to services in and outside of school.

As a second initial step to building capacity, the City’s Administration should adopt and fund the expansion of the restorative practices pilot program that is now in 25 high-need schools, which was initially funded by the City Council to get the program off the ground. The funding should allow for a full-time school-based restorative practices coordinator in each school, as well as provide schools with professional development designed to improve school climate and build capacity to implement restorative practices. It should also account for evaluation and monitoring of restorative practices citywide, as well as increased staffing at the central Department of Education office and each borough field support center in order to support these schools.

As a third initial step, the Administration should expand and fund restorative practices in high-need districts. The funding should include at least two restorative practices coordinators and evaluation and monitoring of restorative practices in each targeted district, as well as increased staffing in the Department of Education’s central and borough offices.

Thank you again for the opportunity to provide testimony on this important matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rohini Singh'.

Rohini Singh, Esq.
Staff Attorney
School Justice Project

A handwritten signature in black ink, appearing to read 'Sam Streed'.

Sam Streed
Policy Analyst

A handwritten signature in black ink, appearing to read 'Dawn L. Yuster'.

Dawn L. Yuster, Esq Director
School Justice Project



Advocates for Children of New York
Protecting every child's right to learn

ADDENDUM

Analysis of New York City Police Department 2016 Student Safety Act Data¹

Prepared by Advocates for Children of New York

March 2017

¹ To view the raw data reported by the NYPD pursuant to amendments to the Student Safety Act, see http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml.

NYPD Reporting Definitions²

Incident location: The location where the *initial* incident occurred (robbery off- site but detectives arrest the subject in school would be considered an off-site incident)

Mitigation: The subject committed what would amount to an offense but was released to the school for discipline/mitigation rather than being processed as an arrest or summonsed. Only subjects for which mechanical restraints were used are reported here.³

PINS Warrant: A Person In Need of Supervision- Family Court Warrant

Child in Crisis: A student who is displaying signs of emotional distress who must be removed to the hospital for psychological evaluation. Only subjects for which mechanical restraints were used are reported here.³

Juvenile Report: Generally, a report taken for a subject under 16 who allegedly committed an act that would constitute an offense if committed by an adult. The report is prepared in lieu of an arrest or summons and the student is normally detained for the time it takes to gather the facts and complete the report.

Restraints: was the subject handcuffed using either metal or Velcro restraints.

NYC Department of Education Enrollment Data by Race/Ethnicity⁴

Asian	15.5%
Black	27.1%
Hispanic	40.5%
Other	2.1%
White	14.8%

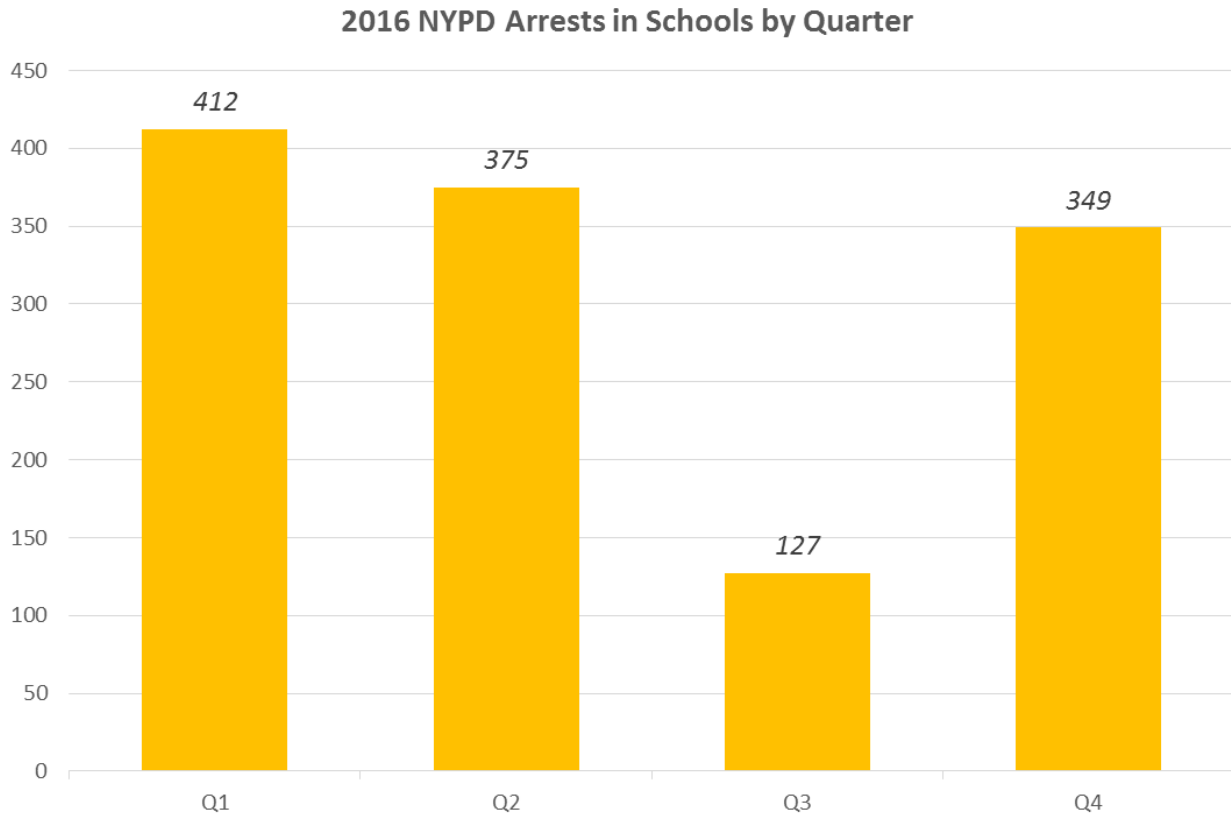
² These excerpted NYPD definitions were distributed with each quarterly report and are provided here as written. See http://www.nyc.gov/html/nypd/html/analysis_and_planning/reports.shtml.

³ Contrary to these definitions, in the 3rd quarter of 2016, NYPD began also reporting Child in Crisis and Mitigation data for students who were not restrained.

⁴ The New York City demographic enrollment data by race is from the 2015-2016 school year, the most recent school year for which demographic data is available on the New York City Department of Education website. See Demographic Snapshot, available at <http://schools.nyc.gov/Accountability/data/default.htm>.

NYPD ARRESTS IN SCHOOLS

Quarter	Number of Arrests
Q1	412
Q2	375
Q3	127
Q4	349
Grand Total	1,263

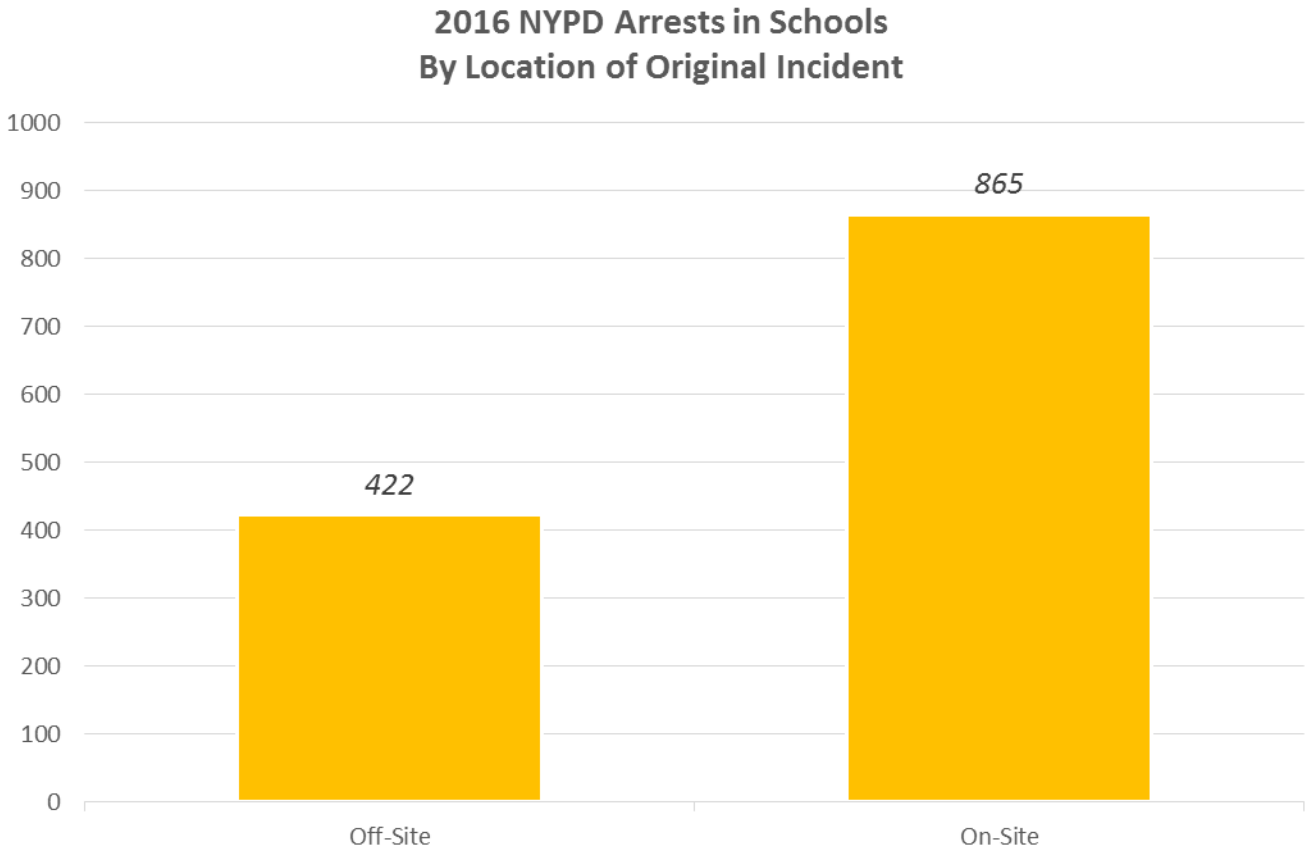


NOTES:

- There were 1,263 arrests in schools in 2016
- These data include only arrests involving persons 21 and under and those whose age is unknown

2016 Arrests by Location of Original Incident

Incident Location	Number of Arrests
Off-Site	422
On-Site	865
Grand Total	1,287



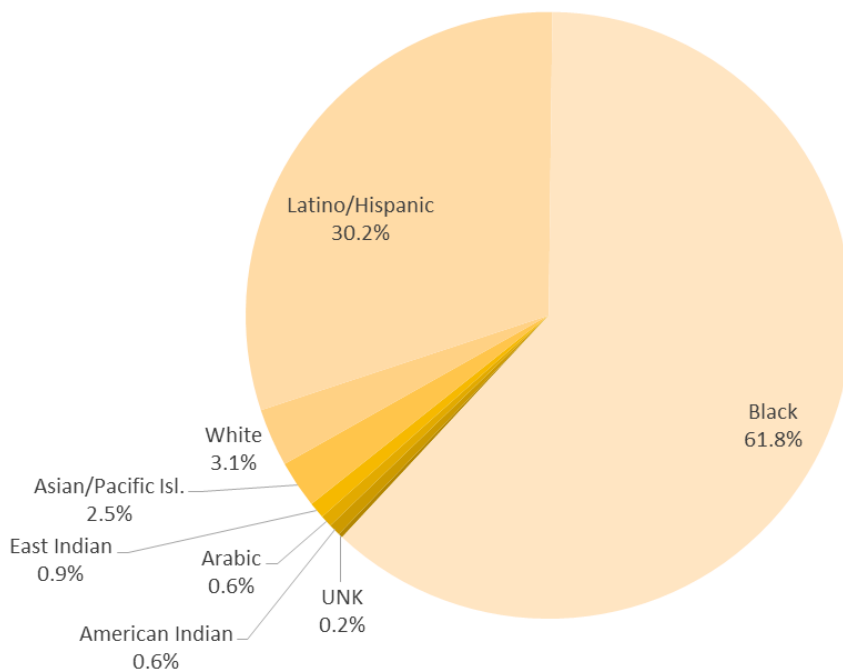
NOTES:

- Nearly a third of arrests – 422 out of 1,287 (32.8%) – were for incidents that occurred off school grounds, but the student was arrested at school.
- These data include only arrests involving persons 21 and under and those whose age is unknown. NYPD began disaggregating by over-/under-21 for this variable in the second quarter of 2016. This accounts for the minor discrepancy in totals when compared to the data on page 3 (n=1,287 vs. n=1,263).

2016 Arrests by Race/Ethnicity

Race/Ethnicity	Number of Arrests
UNK	3
American Indian	8
Arabic	8
East Indian	11
Asian/Pacific Isl.	32
White	39
Latino/Hispanic	382
Black	780
Grand Total	1,263

2016 NYPD Arrests in Schools by Race/Ethnicity

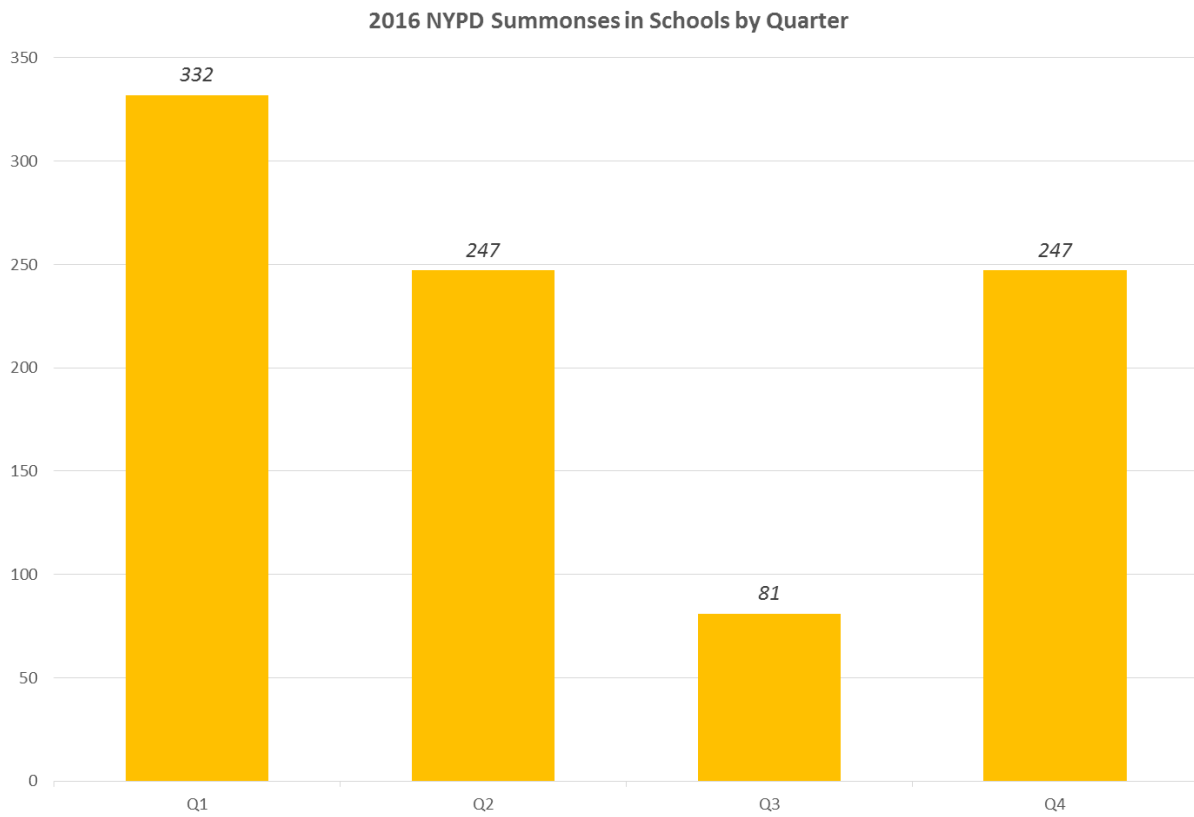


NOTES:

- Combined, Black and Latino kids accounted for 92% of arrests in schools
- Black students accounted for 62% of arrests, even though only 27% of NYC public school students are Black
- White students accounted for only 3% of arrests, even though 14.8% of NYC public school students are Black

SUMMONSES⁵

Quarter	Number of Summons Issued
Q1	332
Q2	247
Q3	81
Q4	247
Grand Total	907



NOTES:

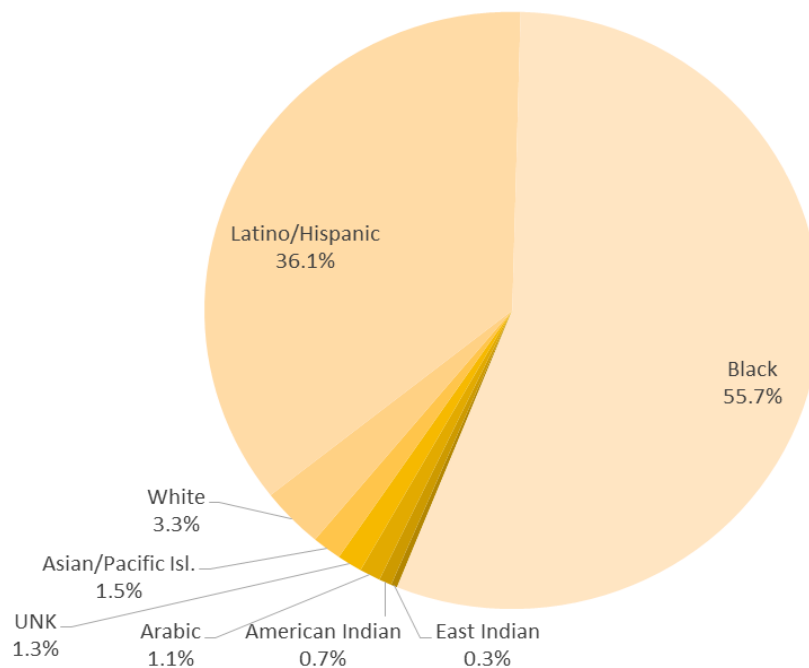
- NYPD issued 907 summonses in schools in 2016
- These data include only summonses involving persons 21 and under and those whose age is unknown

⁵ Summonses are prosecuted in adult criminal court and are issued to students as young as 16 years old.

2016 Summonses in Schools by Race/Ethnicity

Race/Ethnicity	Number of Summonses Issued
East Indian	3
American Indian	6
Arabic	10
UNK	12
Asian/Pacific Isl.	14
White	30
Latino/Hispanic	327
Black	505
Grand Total	907

2016 NYPD Summonses in Schools by Race/Ethnicity



NOTES:

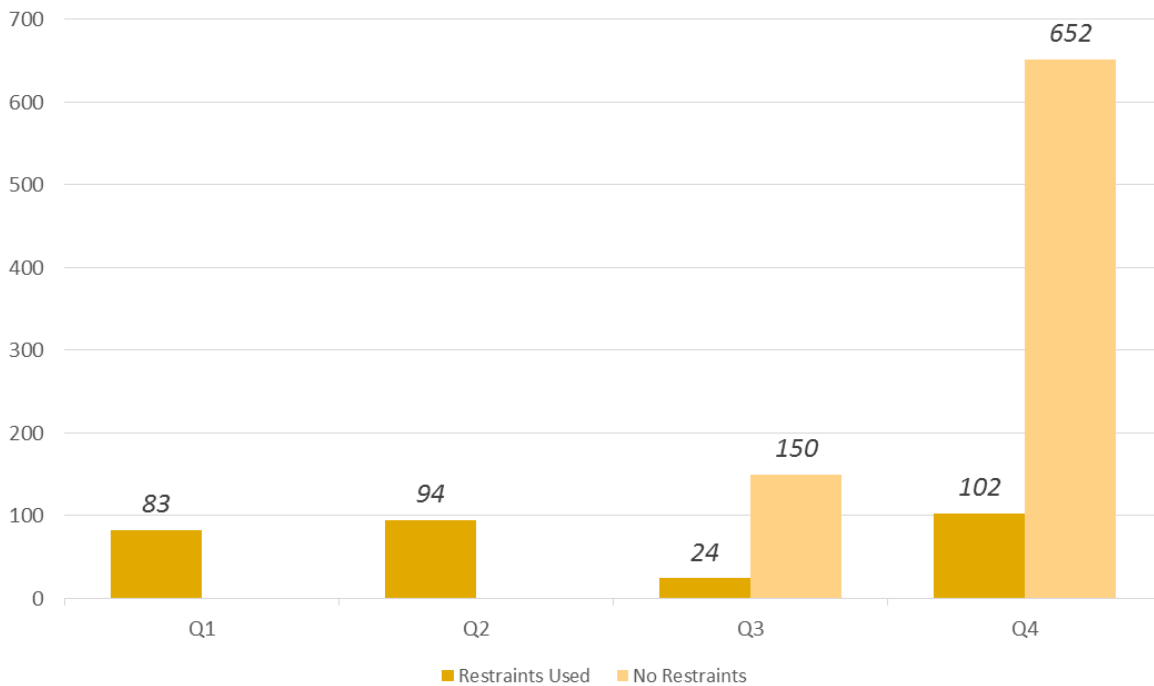
- Almost 92% of students issued summonses were Black or Latino
- Black students accounted for 55.7% of summonses, even though only 27% of NYC public school students are Black
- White students accounted for 3.3% of summonses, even though only 14.8% of NYC public school students are White
- These data include only arrests involving persons 21 and under and those whose age is unknown (NYPD only started reporting age in the second quarter of 2016)

NYPD “CHILD IN CRISIS” INTERVENTIONS

Quarter	Restrains Used	No Restrains	Grand Total
Q1*	83	Missing	Missing
Q2*	94	Missing	Missing
Q3	24	150	174
Q4	102	652	754
Grand Total	303	802	Missing

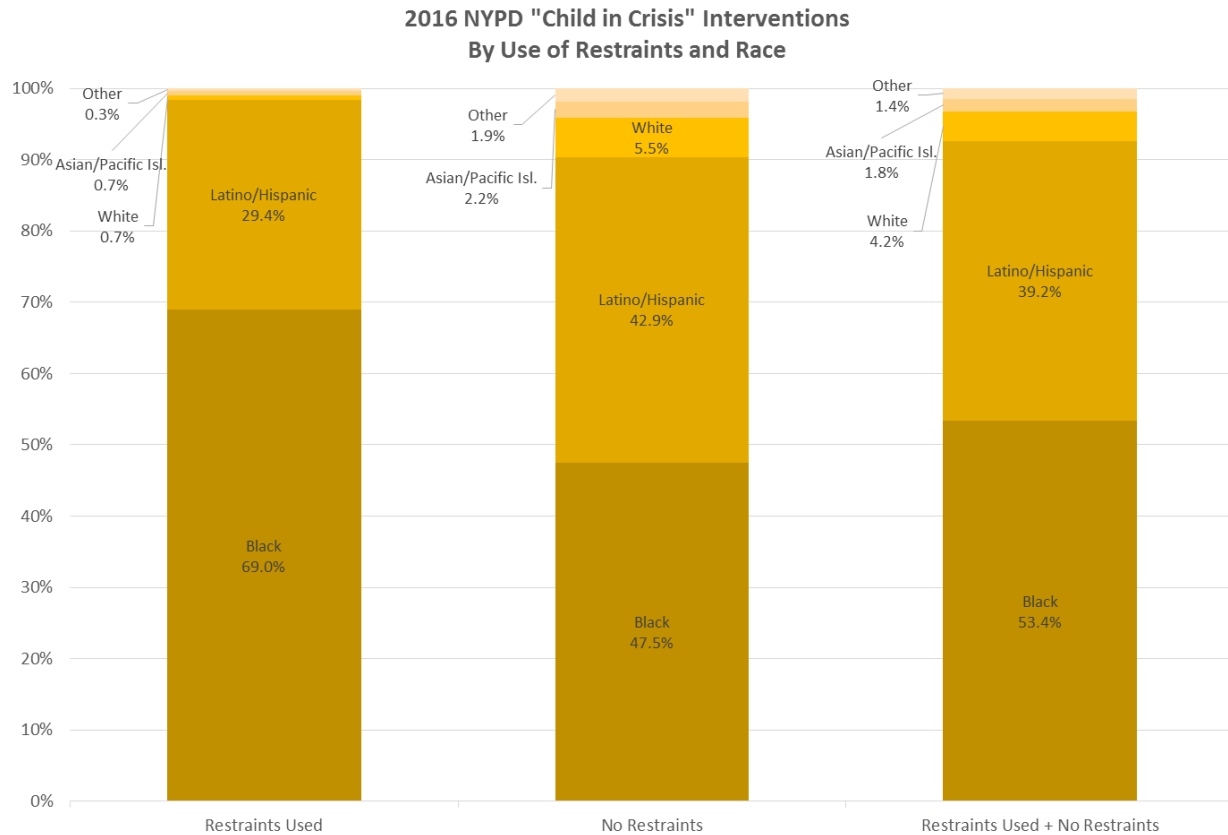
* For Q1 and Q2, NYPD only reported “Child in Crisis” interventions where restraints were used

2016 NYPD "Child in Crisis" Interventions
By Quarter



NOTES:

- NYPD reported 303 “child in crisis” interventions involving persons under 21 (or whose age was unknown) who were in “emotional distress [and] removed to the hospital for psychological evaluation” AND who were restrained during the intervention.
- Nearly all (99.7%) of the 303 “children in crisis” who were handcuffed by NYPD in school and then removed to a hospital for psychiatric evaluation involved students of color, including some as young as 7 years old
- In the last two quarters of 2016, NYPD reported 802 instances involving children in emotional distress referred for evaluation where students were NOT restrained as part of the intervention.
- As mentioned above, NYPD did not report “No Restrains” interventions for the first two quarters of 2016.



NOTES:

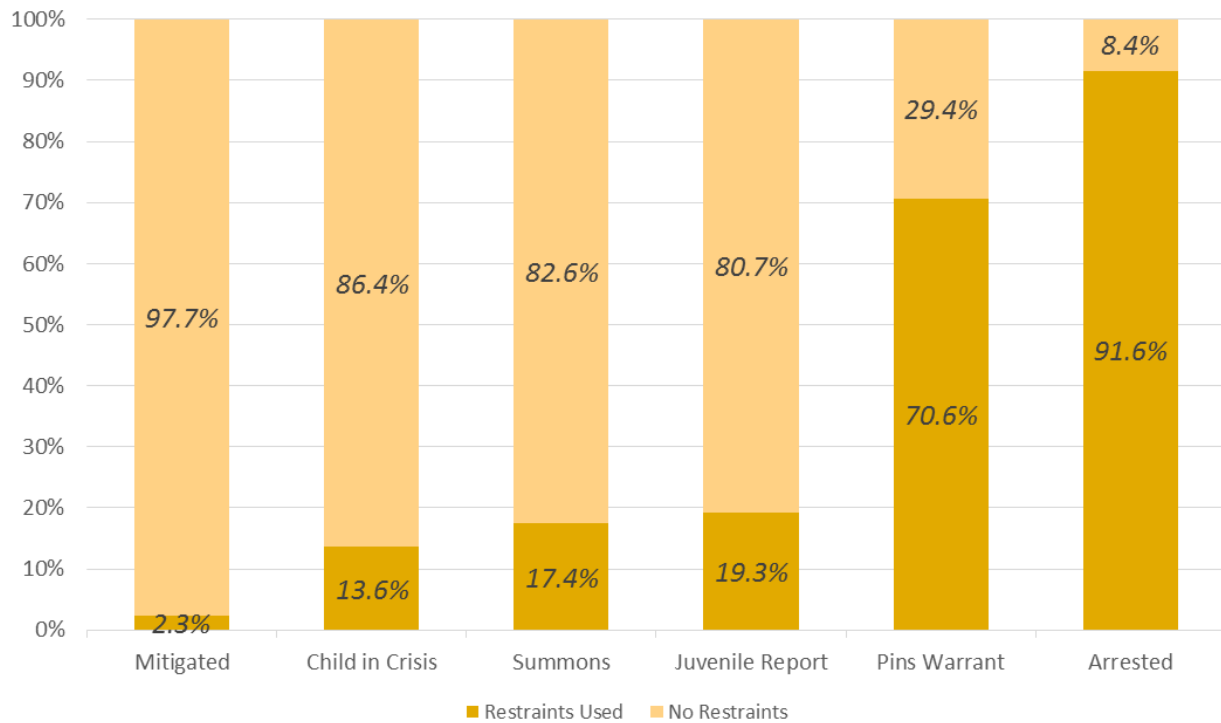
- Black students accounted for 53% of persons under 21 involved in reported “child in crisis” interventions – regardless of the use of restraints – even though only 27% of NYC public school students were Black.
- Students who were restrained and those who were not restrained were both disproportionately children of color. However, Black students made up a larger portion of the students restrained than those not restrained.
- Black students accounted for 69% of “children in crisis” who were in handcuffed by NYPD officers in school and then removed to a hospital for psychiatric evaluation, even though only 27% of NYC public school students are Black.
- White students accounted for 0.3% of the “children in crisis” who were in handcuffed by NYPD officers in school and then removed to a hospital for psychiatric evaluation, even though only 14.8% of NYC public school students are White.
- Note that the “no restraints” category only includes Q3-Q4 data due to NYPD reporting inconsistencies.

2016 USE OF RESTRAINTS

Type of Police Intervention	Restrains Used	No Restrains	Row Total
Arrested	1,157	106	1,263
Child in Crisis*	303	802	1,105
Juvenile Report	178	745	923
Mitigated*	106	1,446	1,552
Pins Warrant	36	15	51
Summons	158	749	907
Grand Total	1,938	3,863	5,801

* NOTE: Due to reporting inconsistency by NYPD, while these two categories capture “restraints used” interventions for the full year, the “no restraints” cells for these categories capture only the 3rd and 4th quarters of 2016. The rates graph below adjusts for this discrepancy accordingly.

**2016 NYPD Interventions
By Intervention Type and Use of Restraints**

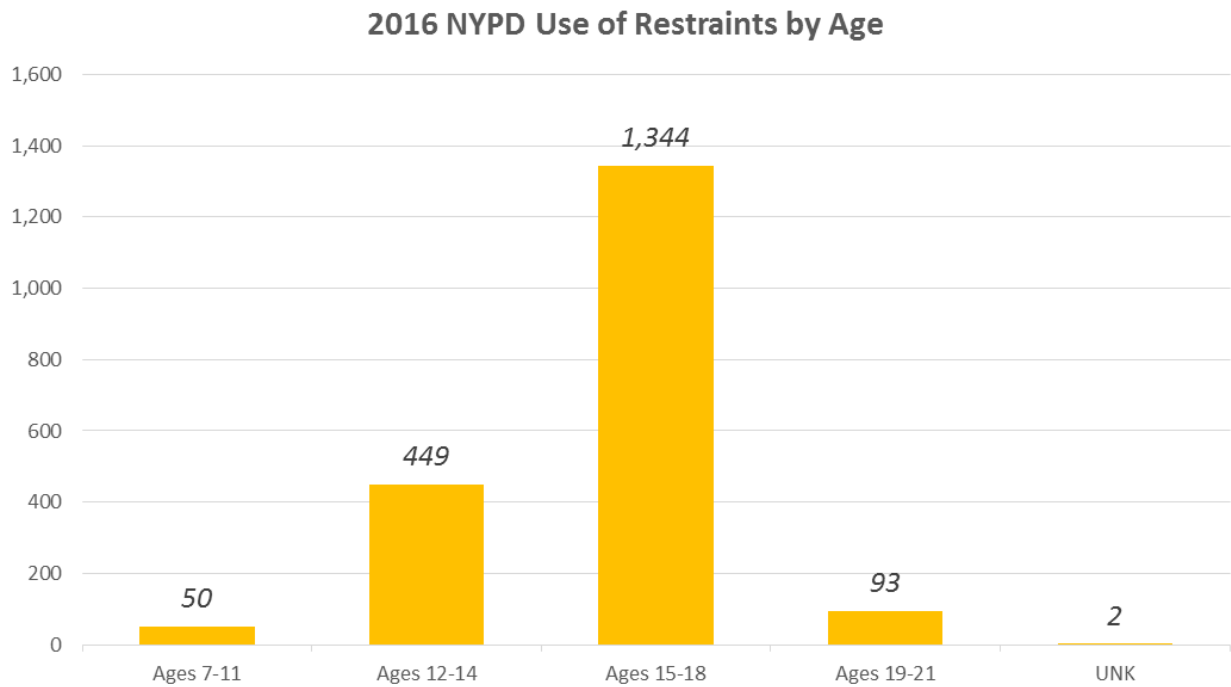


NOTES:

- To account for reporting inconsistencies, the “Child in Crisis” and “Mitigated” categories in the above chart only include data from the 3rd and 4th quarters of 2016. All other categories include data from the full year.

Use of Restraints by Age

Age of Student	Number of Students Restrained
7	5
8	8
9	5
10	10
11	22
12	59
13	155
14	235
15	357
16	473
17	362
18	152
19	53
20	31
21	9
UNK	2
Grand Total	1,938



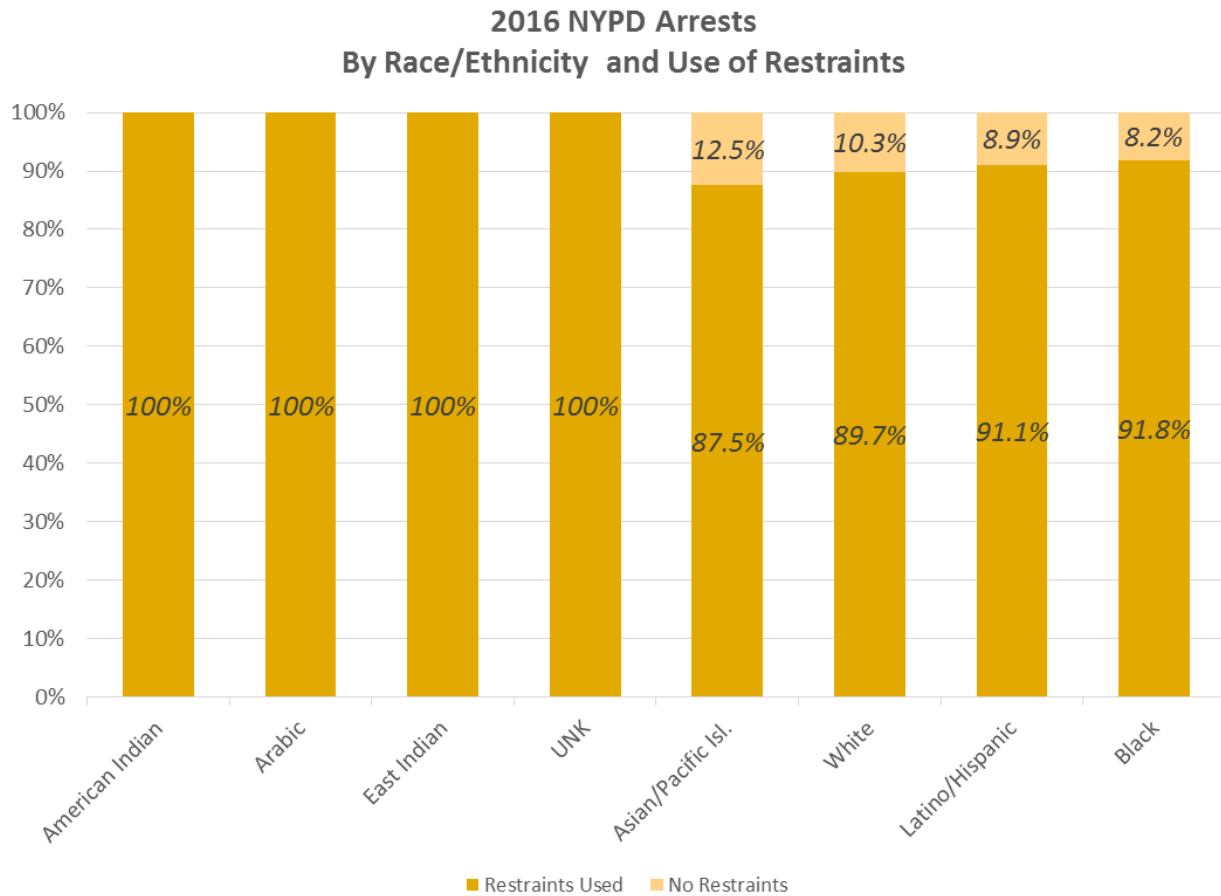
NOTES:

- Includes all intervention types, including “Child in Crisis” interventions

Use of Restraints by Race and Intervention Type

Arrests:

Row Labels	Restraints Used	No Restraints	Grand Total
American Indian	8	0	8
Arabic	8	0	8
Asian/Pacific Isl.	28	4	32
Black	716	64	780
East Indian	11	0	11
Latino/Hispanic	348	34	382
UNK	3	0	3
White	35	4	39
Grand Total	1,157	106	1,263

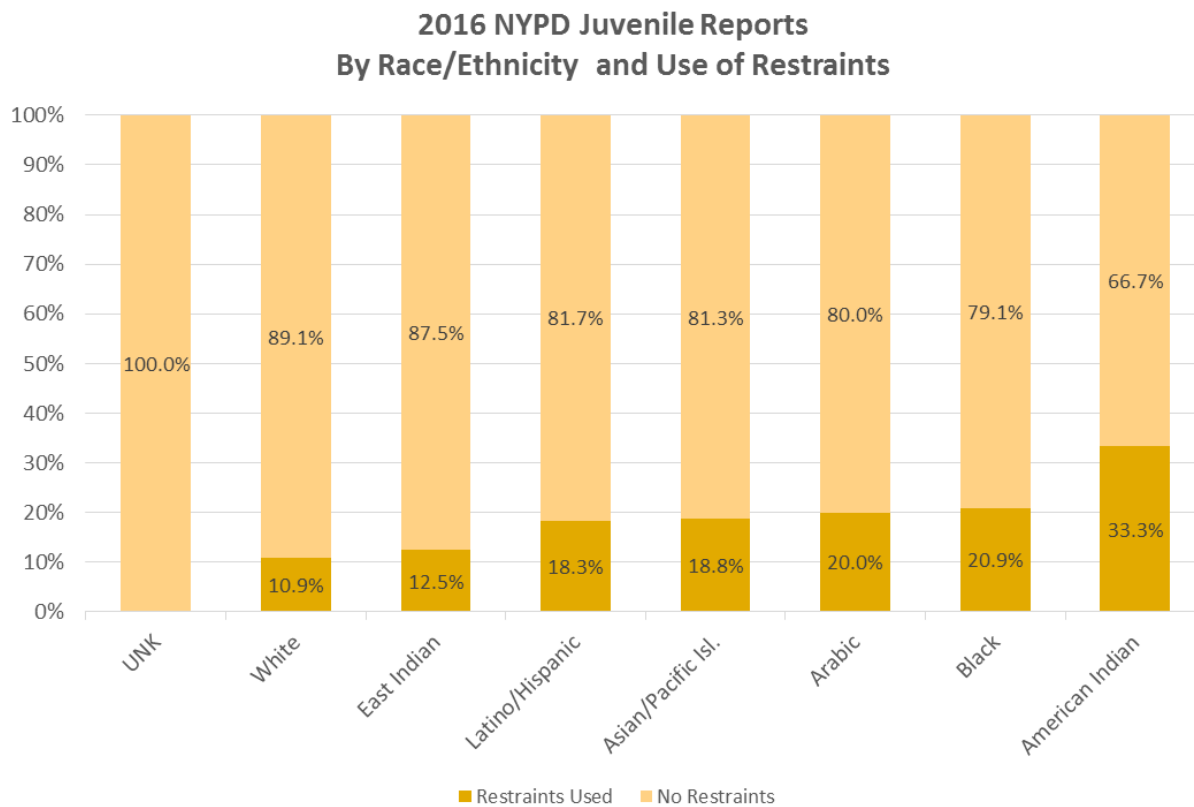


NOTES:

- Black students are most likely to be restrained during arrests at school (91.8%), followed by Latino students (91.1%), White students (89.7%), and Asian/Pacific Islander students (87.5%).

Juvenile Reports: Per NYPD “Generally, a report taken for a subject under 16 who allegedly committed an act that would constitute an offense if committed by an adult. The report is prepared in lieu of an arrest or summons and the student is normally detained for the time it takes to gather the facts and complete the report.”

Race/Ethnicity	Restrains Used	No Restrains	Grand Total
American Indian	1	2	3
Arabic	1	4	5
Asian/Pacific Isl.	3	13	16
Black	101	383	484
East Indian	1	7	8
Latino/Hispanic	66	294	360
UNK	0	1	1
White	5	41	46
Grand Total	178	745	923



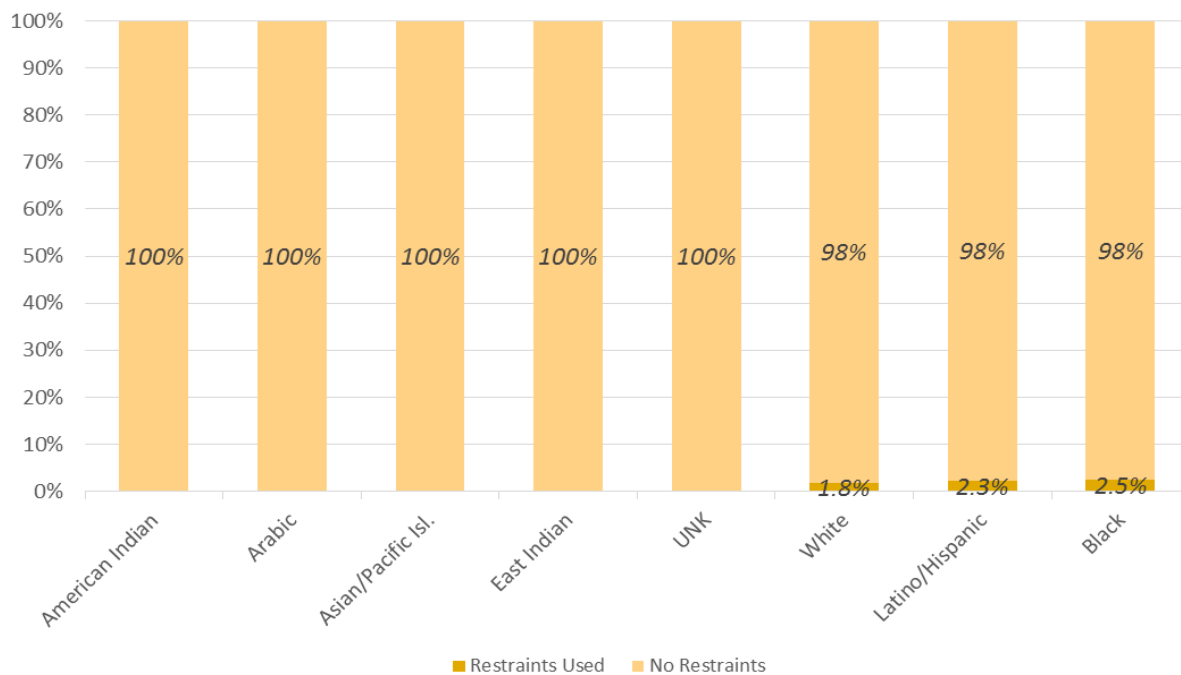
NOTES:

- Black and Latino students are substantially more likely than their peers in other racial/ethnic subgroups to be restrained by NYPD during juvenile report interventions.
- Note that the high percentages for the “American Indian” and “Asian/Pacific Islander” categories may owe to the overall small numbers of students from that group represented here.

Mitigation: Per NYPD: “The subject committed what would amount to an offense but was released to the school for discipline/mitigation rather than being processed as an arrest or summonsed. Only subjects for which mechanical restraints were used are reported here.”⁶

Race/Ethnicity	Restraints Used Jul-Dec 2016	No Restraints Jul-Dec 2016	Grand Total
American Indian	0	3	3
Arabic	0	17	17
Asian/Pacific Isl.	0	18	18
Black	22	862	884
East Indian	0	10	10
Latino/Hispanic	11	474	485
UNK	0	7	7
White	1	55	56
Grand Total	34	1,446	1,480

NYPD Mitigations by Race/Ethnicity and Use of Restraints
July - December 2016



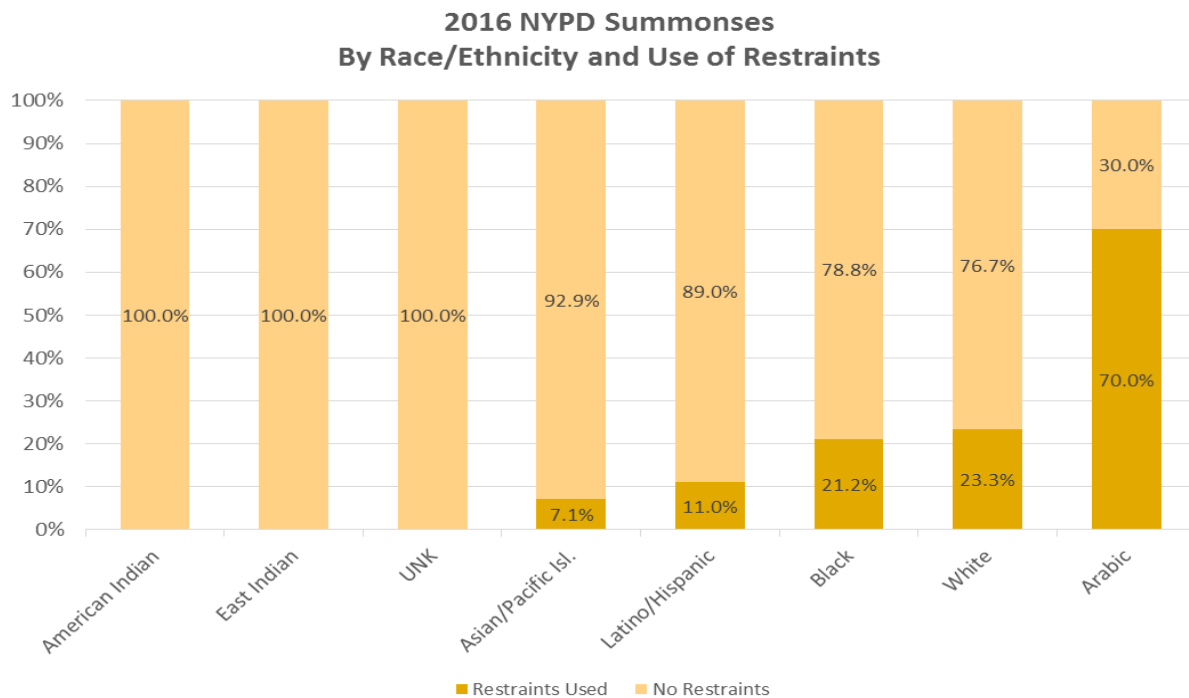
NOTES:

- While the overall proportion of students restrained during “mitigation” interventions is relatively small, Black students are slightly more likely to be restrained, followed by Latino students.

⁶ As mentioned earlier, despite this definition, beginning in the 3rd quarter of 2016, the NYPD began also reporting on mitigation interventions *not* involving restraints. For this reason, the restraint data above only includes interventions occurring in the second half of 2016.

Summonses:

Race/Ethnicity	Restraints Used	No Restraints	Grand Total
American Indian	0	6	6
Arabic	7	3	10
Asian/Pacific Isl.	1	13	14
East Indian	0	3	3
UNK	0	12	12
White	7	23	30
Latino/Hispanic	36	291	327
Black	107	398	505
Grand Total	158	749	907

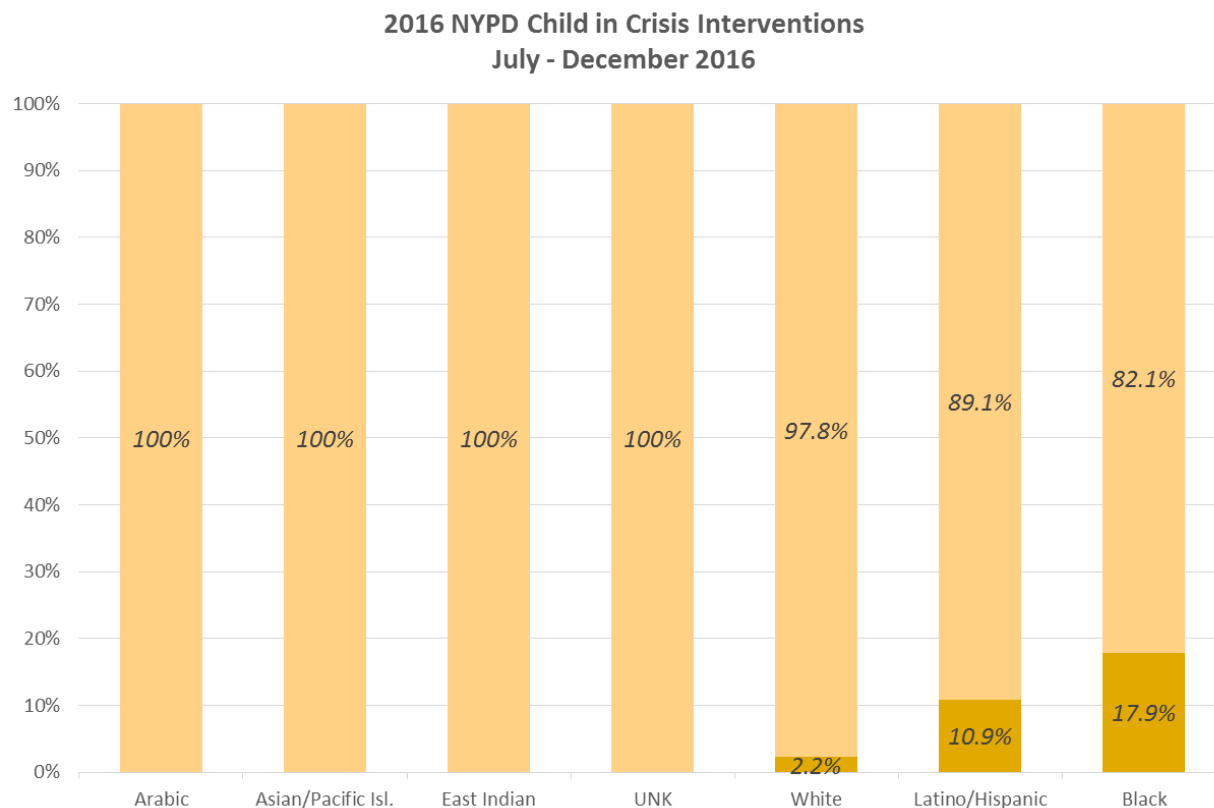


NOTES:

- 97% of summonses issued were to students of color.
- Black students accounted for 55.7% of summonses, even though only 27% of NYC public school students are Black
- White students accounted for 3.3% of summonses, even though only 14.8% of NYC public school students are White
- “Arabic” and White students appear to be restrained at higher rates during the issuance of summonses. However, these high percentages may owe to the comparatively small numbers of White and “Arabic” students issued summonses, making their respective percentages extremely sensitive to minor variability.

Child in Crisis: Per NYPD: “A student who is displaying signs of emotional distress who must be removed to the hospital for psychological evaluation. Only subjects for which mechanical restraints were used are reported here.”⁷

Race/Ethnicity	Restrains Used		Grand Total
	Jul-Dec 2016	No Restraints Jul-Dec 2016	
Arabic	0	5	5
Asian/Pacific Isl.	0	18	18
Black	83	381	464
East Indian	0	8	8
Latino/Hispanic	42	344	386
UNK	0	2	2
White	1	44	45
Grand Total	126	802	928



NOTES:

- In the last 2 quarters of 2016, almost 18% of Black students and about 11% of Latino students were restrained during the interaction, as compared to only about 2% of White students and 0% of children of other races/ethnicities

⁷ As mentioned earlier, despite this definition, beginning in the 3rd quarter of 2016, the NYPD began also reporting on “child in crisis” interventions not involving restraints. For this reason, the restraint data above only includes interventions occurring in the second half of 2016.