



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York City Council Committee on Education

RE: Int. No. 2188-2020 - Police Department's Response to Students in Emotional Crisis in Public Schools and Int. No. 2211-2021 - Public School Safety and Security

February 18, 2021

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My name is Dawn Yuster, and I am the Director of Advocates for Children of New York's ("AFC's") School Justice Project. For nearly 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students with mental health needs, students involved in the juvenile or criminal justice system, students from immigrant families, and students who are homeless or in foster care. AFC is a member of Dignity in Schools New York ("DSC-NY"), a coalition of youth, parents, educators, and advocates dedicated to shifting the culture of New York City schools away from punishment and exclusion and towards positive approaches to discipline and safety.

We are here today to testify in support of Int. No. 2188-2020 regulating the New York City Police Department's ("NYPD's") response to students in emotional crisis within public schools and are grateful to Council Member Ayala for leading the effort on this critical bill. We also testify to express concern about Int. No. 2211-2021 regulating the transfer of the School Safety Division from the NYPD to the Department of Education ("DOE").

Int. No 2188-2020

Earlier this year, many of us watched in horror and outrage video footage of a 9-year-old girl in Rochester who was brutally handcuffed and pepper sprayed by the police. The video made it patently clear that the officer's actions were extreme and unacceptable, traumatizing a young child, her family, and the entire community. While we would like to believe incidents like this are rare, would not happen to our children, and would not happen at school, NYPD data and AFC's experience working



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on the ground with families indicate that, each year, hundreds of students in emotional crisis are handcuffed by police in NYC public schools.

Over the past four school years, NYPD officers, including school safety agents and precinct officers, intervened in 12,050 incidents of students in emotional crisis who were removed from class and transported to the hospital when medically unnecessary. Nearly half of these incidents involved children between the ages of 4 and 12. Before schools closed last year due to COVID-19, the NYPD – and not clinically trained mental health professionals – had already intervened in more than 2,250 incidents involving students in emotional crisis, handcuffing some as young as 5 years old. Of the students handcuffed, 58% were Black although only 21% of NYC students are Black. In 2017, AFC released a data brief highlighting the significant racial disparities in police responses to students in emotional crisis in the 2016-2017 school year and calling for the City to realign its resources to reflect the critical need to appropriately support students in emotional crisis with trained mental health professionals and not treat them as criminals subject to law enforcement.¹ These responses to students in emotional crisis are traumatic for students and their school community and do not address students' underlying needs. No student in emotional crisis should face the police or be placed in handcuffs, and our policies and allocation of resources must reflect this imperative.

In addition, the COVID-19 pandemic has created and exacerbated social-emotional challenges for all members of the school community with trauma most acutely felt by young people. The Chancellor recently reported that the NYC youth suicide rate is rapidly doubling. Our students are facing incalculable hardship and need significant support to learn in nurturing environments free from the threat of law enforcement intervention.

Int. No 2188-2020 is an important step to ensuring that our young people in crisis are met with a trauma-informed and healing response, not with the threat of law enforcement and handcuffs. By regulating police response to students in emotional crisis; requiring documentation of steps used to de-escalate an incident before law enforcement is involved; emphasizing that trained clinical school staff must be the first responders to students in emotional crisis; and significantly limiting the use of handcuffs on students in emotional crisis, we hope this bill will drastically reduce law enforcement involvement when students are experiencing emotional crises.

¹ Advocates for Children of New York, *Children in Crisis: Police Response to Students in Emotional Distress* (Nov. 2017), https://www.advocatesforchildren.org/sites/default/files/library/children_in_crisis.pdf.



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While we strongly support Int. No 2188-2020, we have been calling on the City to shift funding from the NYPD to support for students and, therefore, want to be explicit that we are not advocating for additional funding to be allocated to train law enforcement officers to respond to students in emotional crisis, including the training specified in the bill. Instead, this City's limited resources must be invested in more support for students so that schools do not rely on law enforcement when a student is experiencing an emotional crisis. While the bill specifically provides that "on-site clinical school staff," and not law enforcement, must be the first responders to students in emotional crisis, many schools do not have access to clinically trained staff to support students, prevent crises, and respond when incidents and crises occur. NYPD school safety agents outnumber school social workers 5,400 to 1,500. In order to ensure this bill truly fulfills its promise to limit law enforcement intervention and handcuffing when a student is in emotional crisis, the City must invest sufficient resources to ensure that every school can effectively support students' social-emotional and behavioral needs with a trauma-informed approach, including by investing in staff trained and coached in providing direct services to students, such as social workers, behavior specialists, trauma-informed de-escalation staff, conflict resolution specialists, peacemakers, and school climate and restorative justice staff.

Int. No. 2211-2021

We have significant concerns regarding Int. No. 2211-2021 regulating public school safety and security. While AFC supports the bill's removal of all NYPD officers from schools and setting a specific deadline for the City to do so, this bill merely transfers officers from the NYPD to the Department of Education ("DOE"). Furthermore, the bill does not reflect the desire articulated by our community partners for a new vision of school safety that will keep all students safe and instead maintains the same personnel with similar job functions. We stand with Dignity in Schools – New York and other allies in calling for school safety to be transformed and not merely transferred to the DOE. The City must instead redesign the role of school safety officers and reallocate NYPD funding to resources and positions that support students directly. Students need schools where they face social workers, behavioral specialists, and restorative justice practitioners, instead of school safety officers, and where they receive mental health supports and services instead of handcuffs. Schools must be nurturing, inclusive learning environments for all students.

Thank you for the opportunity to speak with you. We look forward to working with you to move forward Int. No. 2188, reimagine the school safety role, and reallocate NYPD funding to invest in the critical mental health needs of our students. I would be happy to answer any questions you may have.