



Testimony for the New York City Council Committee on Public Safety Re: Oversight – The City’s Policing Reform Process

January 11, 2021

Good afternoon Chair Adams and members and staff of the Council Committee on Public Safety. Thank you for bringing much-needed transparency to the City’s process and response to the Governor’s Executive Order 203, and for the opportunity to comment today.

Girls for Gender Equity (GGE) is an 18-year-old, Brooklyn-based youth development and policy advocacy organization committed to removing systemic barriers that prevent girls, and gender-non-conforming and non-binary youth of color from living self-determined lives. We also testify today as an organizational member of Communities United for Police Reform.

Our testimony will focus on two key themes: (1) the need to reduce the contact that youth of color have with the NYPD including the School Safety Division (SSD), and (2) concerns with transparency around ballooning youth policing, specifically in regard to the youth policing strategy formally announced in January 2020 and any shifts in direction of youth policing as a result of this reform process.

On School-Based Policing

The Governor’s August guidance packet, “New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens,” offers a response to the question “Should Law Enforcement Have a Presence in Schools?” with the suggestion “consider how police officers are deployed in your schools.”¹ In 2005, the City Council overrode the Mayor’s veto to pass legislation (Int 0322-2004 or Administrative Code §14-150) requiring the New York City Police Department to provide data for each school operated by the Department of Education (DOE) to which school safety agents are assigned, the number of school safety agents, averaged for the quarter, assigned to each of those schools.² As we understand it, there is no public transparency, or transparency for young people attending hyper-policed schools, about how schools are disproportionately policed and how those decisions are being made.

¹ At Page 18. New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens. (August 2020). Retrieved from

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf.

² Int 0322-2004 Retrieved from

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=441953&GUID=81A98203-6837-4339-8097-C2052A1CBCB1&Options=Advanced&Search=>.

Accumulating research demonstrates that where police are deployed to schools, school police respond to student behaviors with policing responses.³ Across the City, those schools commonly known to be hyper-policed, some of which are known to have been designated as “Impact Schools” under the Bloomberg administration that led to the increased deployment of police officers in tandem with school safety agents, are the very schools most often reported in Council’s Student Safety Act. **We raise this as GGE calculates that for every 1,000 students, the City offers 5 school safety agents, but just 2.6 school counselors, 1.3 school social workers, 0.9 school psychologists, and 0.6 school nurses.**

Further, while every public school student in NYC attends a school with a school safety agent:

- 87,274 students attend a school without a full-time guidance counselor;
- 300,148 students attend a school without a full-time social worker;
- 52,464 students attend a school without a full-time gym teacher;
- 105,029 students attend a school without a full-time art teacher;
- 191,500 students attend a school without a full-time music teacher; and
- 286,509 students attend a school with class sizes over 34 students.

In September, we heard from the Department of Education (DOE) that due to the lack of staffing – an issue resulting from a legacy of underinvestment – school safety agents would be trained to conduct temperature checks of everyone who enters a school building as well as collect student health screenings. This raises concerns with police enforcement, and generally the continued outsourcing of non-policing responsibilities to the police. In response to uprisings across the country, the City had also proposed a shift of funding and responsibility for school safety from the NYPD to the DOE over a more than two year process. Months later, the only change we see is that school police have been given a new responsibility that will ultimately increase their interactions with young people. This is a change in the wrong direction.

Youth organizers have also raised concern that the **NYPD has not complied with Local Law 93 of 2015 requiring the NYPD to report on the use of permanent and temporary metal detectors in each school.** When we dig into the Council’s Student Safety Act data and cross-list school sites with Inside Schools’ independent search site, a time-intensive process, we are able to identify roughly 224 schools where scanning with metal detectors happens every day, on a full-time basis, impacting roughly 117,000 students. Across all those schools, there are only 208 full-time social workers, and 98 schools have zero. According to the City’s Fair Student Funding data won by the City Council, the average school budget spends roughly \$20,800 on each student each year. In metal detector schools, however, where average school enrollment is 87% Black and/or Latinx, spending averages \$17,600, or 15% less. **The NYPD has concentrated policing and the instruments of surveillance and control in schools with the least resources.**

Time and time again, students, community, and education advocates have made clear that young people do not need police to serve as counselors or aides to them, instead, this city must

³ See, for example, “Research on the Impact of School Policing” by Aaron Kupchik. (August 2020). Retrieved from <https://www.endzerotolerance.org/impact-of-school-policing>.

make real investments in building positive school climate where students have ample (non-law enforcement) staff, restorative practices, and the resources to meet their educational, mental health, and emotional needs. **Healthy, equitable schools are police-free schools.**

The Governor's guidance packet also suggests, "If you have SROs in your schools, consider the creation of a memorandum of understanding or agreement between the police department and the school district so as to clearly establish their roles and responsibilities."⁴ The newest memorandum of understanding (MOU) was the result of multiple years of stalling and negotiations that ultimately undermined its potential impact and left school policing to the discretion of the NYPD through the inclusion of language like "when possible," "where appropriate," and "on a case by case basis."⁵

Consistently, the School Safety Division and the NYPD when called into schools, has resulted in students facing juvenile or criminal court charges that will negatively impact their relationship to the academic environment, personal safety, and dignity. The NYPD's presence has exacerbated racial disparities in school policing, for example during the 2018-2019 school year, there were 4,560 police interventions targeting girls in New York City public schools reported by the NYPD through the Student Safety Act – Black girls represented 57% of all interventions while representing only 25% of all girls. This is not only alarming, but a reflection of the ways that the City's most harmful and racially discriminatory policing practices extend to students in schools.

The MOU that went into effect last school year has thus far not impacted total NYPD interventions (4,589 to 4,539 year to year change). That reform was primarily focused on arrests, but as arrests dropped, disproportionality for Black girls (when compared to all girls in NYC schools) got worse – jumping from representing 65% of all girls arrested in school to 74%.⁶ We also see this in cases of reported stop and frisks, as citywide stops grew 22%, stops experienced by Black girls grew 35%.

Finally, even with the shift to remote learning, the quarterly Student Safety Act data continues to include police removals and forced hospitalizations of young people attending school or regional enrichment centers in-person. In prior school years, thousands of students were forcibly removed by police and hospitalized under the category of "child in crisis" incidents, disproportionately targeting students of color with disabilities. **We are demanding that no**

⁴ At Page 19. New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens. (August 2020). Retrieved from

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf.

⁵ Memorandum of Understanding Among Department of Education of the City of New York, New York Police Department of the City of New York, and City of New York, on the Performance of School Security Functions by the New York City Police Department for the Benefit of the City School District of the City of New York and It's Students and Staff. (2019). Retrieved from

<https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/nypd-doe-mou.pdf>.

⁶ Student Safety Act Data, analysis by GGE, see, for example,

https://www.ggenyc.org/wp-content/uploads/2020/01/GGE-Policy-Brief_-_NYPD-School-Policing-Data-Impact-on-Girls-of-Color.pdf.

student in emotional distress or crisis be responded to with police during in-person learning – now with the pandemic and in school years to come.

On the Youth Policing Strategy

We are also calling for a halt to the NYPD’s “youth strategy” and attempts to further entrench law enforcement in the day to day lives of young people. The hyper-criminalization of young people must end, and that does not mean reinventing the role of police.

GGE has been and continues to be a leader in the work to end gender-based violence, including sexual harassment and sexual abuse for close to two decades. We have provided programming for girls and gender expansive youth and survivors for more than 15 years. A young person from one of GGE’s programs has previously testified before the Council about the leering and uncomfortable flirting that she and her classmates received at the hands of members of the SSD. The experience of police sexual misconduct is often an ignored part of the conversation about school policing or youth policing, but it is one for which GGE will remain vigilant, and continue to demand significant changes to budget allocations, including demands to stop stationing police, SSD or otherwise, in and around schools serving youth of color.

The Department’s new “youth policing strategy” has four stated prongs: Youth Coordination Officers, Leveraging School Safety Division; “YouthStat”; and “Activate Spaces,”⁷ and we have been seeking out greater transparency on these pieces. The “NYPD in Focus” presentation put forward as part of the Police Reform and Reinvention Collaborative and featured in the Listening Sessions’ Presentation, includes the following:

*The NYPD has renewed its commitment to proactively reach young people at risk of engaging in criminal activity before they do... This new structure will increase the number of officers solely dedicated to helping young people.*⁸

With the January 2020 announcement of the strategy , the Commissioner tweeted:

*We’ll be engaging with ALL young people, the large majority of whom aren’t committing any crimes at all. But some might end up as victims. We should engage with them – not only because it’s the right thing to do ... but because we know today’s victims can be tomorrow’s offenders.*⁹

The practice of targeting and controlling young people under the boundless surveillance power of the Department must be opposed by the Council. Further, with the incorporation of the

⁷ “Building on Neighborhood Policing, Commissioner Shea Outlines New Strategy to Prevent and Address Youth Crime.” (January 29, 2020).

<https://www1.nyc.gov/site/nypd/news/pr0129/building-neighborhood-policing-commissioner-shea-outlines-new-strategy-prevent-address#/0>.

⁸ “NYPD in Focus.” Retrieved from <https://indd.adobe.com/view/2114a389-4855-4be8-b343-8eb534bfab>.

⁹ Commissioner Shea. [@NYPDShea]. (2020, January 29). Twitter. Retrieved from <https://twitter.com/NYPDShea/status/1222516436129677315?s=20>.

Youth Coordination Officer (YCO) in the patrol guide at the end of June, we were startled to find the following responsibilities:

- Coordinate, guide, and develop youth programs to foster positive relationships with youth and families;
- Identify underutilized spaces that could be activated or repurposed for youth programs and coordinate with Youth Strategies Division;
- Visit schools and confer with school principals and school safety personnel to help reduce and prevent violence; and
- Serve as an information resource and advise command personnel, parents and community groups on youth matters.¹⁰

We demand that the City of New York invest in meeting the needs of young people rather than packing resources into precincts. As we understand it, the initiative deploys 316 YCOs. During the June 9, 2020 hearing of the Public Safety Committee, the question was asked of the Department for the personnel and OTPS costs of the new youth strategy, to which the Department responded “We’ll get you that information.”¹¹ **We urge the Council to follow-up publicly on that ask, and bring that information forward to young people and the public.**

GGE strongly opposes the outsourcing of youth work to the police. GGE observed each of the nine public-facing Community Engagement Sessions and was alarmed by the Department’s insistence on growing and investing in NYPD youth programs. This comes after the City defunded the Department of Youth and Community Development (DYCD) in FY2021, most notably chopping 75,000 SYEP slots to 35,000 “SYEP Summer Bridge” slots, a severely downsized version of SYEP’s offerings compared to prior years. **We urge the Council to block any attempt to expand the reach of NYPD youth programs especially in the aftermath of these austerity measures – whether through the NYPD reshuffling their own existing resources or otherwise.**

As another example, we’ve heard of NYPD/DYCD collaboration at Beacon Centers, SYEP, Cornerstone Centers, and the Interagency Coordinating Council.¹² On SYEP, we understand the NYPD is one of the larger SYEP worksites where youth are placed at precincts, 1 Police Plaza, and other NYPD units/commands. We understand the NYPD/SYEP collaboration was set to expand with the Department’s Youth Strategy, with “summer interns at each precinct with a record number of kids” working with Youth Coordination Officers.¹³ We urge the Council to pursue the decoupling of the NYPD from DYCD. **We ask that the City divest from youth policing to invest in young people.**

¹⁰ See PDF page 79. Retrieved from https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf.

¹¹ “Hearing Transcript 6/9/20” at page 156. Retrieved from <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=791488&GUID=AF936D7B-EDE6-48C9-B856-C30B9E6672F9&Options=info&Search=>.

¹² See, for example, NYC Youth Board and NYC Workforce Development Board Youth Committee Meeting. Available at https://www.youtube.com/watch?v=4YD_EUY__8Q&ab_channel=NYCYouth%26CommunityDevelopment.

¹³ See, for example, “NYPD begins program to have juveniles work as precinct interns.” (2020, March 9). Available at <https://nypost.com/2020/03/09/nypd-begins-program-to-have-juveniles-work-as-precinct-interns/>.

We thank the council for the Fiscal 2021 terms-and-conditions that stipulated as a condition of the funds in all units of appropriation:

The NYPD shall submit a report to the Council, no later than January 31, 2021, on private budget funding sources and the expenditures from such sources. This report shall provide detail on entities providing funds to the NYPD, including the budget lines for related expenditures, and the program areas, and units receiving the funds.¹⁴

We raise this in this context to ask that the Council look into private budget funding for NYPD youth initiatives and various “Cops & Kids” projects, some of which have been profiled publicly – for example the “Options” Program and new “Options VOLT” program involving an officer-led virtual reality situation.

Conclusion

As part of the City’s Policing Reform Process, but not exclusively, we recommend that the Council ensure any resolution or reform plan moved forward by the Council reject the expansion of youth policing. We are calling on the City to immediately reduce the size, scale, and scope of school policing and youth policing across New York City, including the following steps:

- Freeze all hiring of school police personnel, school safety agents or other personnel of the police department charged with policing schools, including replacement hires as a result of retention, and freeze police department training of school police;
- Disband the “Unified Task Force” of the School Safety Division, the 220-officer armed police force charged with policing schools;
- Restrict police entry into schools and amend the NYPD Patrol Guide to remove any police “duties” or “responsibilities” to routinely enter schools for the purposes of information gathering or relationship building;
- End school safety “mitigations,” or any law-enforcement facilitated efforts to interact with young people, mediate or attempt to intervene in conflict – interactions that inherently carry the threat of escalating police force;
- Resolve to equip school communities with primary authority to build conflict prevention and response practices separate and apart from law enforcement, and invest in those practices through School Allocation Memorandums and direct funding to schools; and
- Pursue amendments to Chancellor’s Regulation A-412 to reduce the hyper labeling of student behavior as “crime” and downsize principal reporting requirements.

We again thank the Council for attention to these issues and for the time to testify today. For questions or more information, please contact Charlotte Pope at cpepe@ggenyc.org.

¹⁴ New York City Council Fiscal 2021 Terms and Conditions. Reference at PDF Page 16. Available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/10/Fiscal-2021-Terms-and-Conditions-PDF.pdf>.