



ACLU of New York

Student Safety Act Data

School Year 2022-2023

BACKGROUND:

The Student Safety Act (SSA) requires that the New York City Police Department (NYPD) publish quarterly reports on arrests, summonses, and other incidents where police are involved in New York City public schools.¹ Since the SSA reporting began in 2012, the number of arrests and summonses issued by School Safety Officers (SSOs) has consistently declined due to pressure from advocates, educators, and families demanding a reduction in the presence of NYPD officers in schools.²

Since students returned to in-person learning at the beginning of the 2021-2022 academic year,³ however, school incidents in which the NYPD gets involved have increased substantially. Most of these incidents are what the NYPD calls “mitigations,” meaning incidents where an officer responded to the scene but did not arrest the child. Many of these incidents involve students of color. We are concerned that the massive and rapid uptick in mitigations indicates schools are more often choosing to involve the police for non-law enforcement matters than handling these issues themselves. It may be a result of schools having too few support staff.

Around 90% of incidents where officers intervene involve Black and Latinx students, as they have since 2016.

KEY FINDINGS:

- **Mitigations:** During the 2022-2023 school year, mitigations increased substantially, indicating that police responded but did not take action in more cases than ever before. In one sense, this is good news: it means kids are avoiding more escalated consequences (arrests, juvenile reports, etc.).

On the other hand, the increase is massive—far too large to be seen as a replacement for what would have otherwise been arrests. This dramatic increase could indicate that educators are calling the police on children more often, particularly in nonviolent disciplinary situations where it is inappropriate to do so (as indicated by the police deciding not to intervene).

- **Interventions and Use of Force by Non-SSOs:** During the 2022-2023 school year, SSOs were responsible for 24% of arrests in schools, NYPD Patrol was responsible for 70% of these arrests, and the NYPD Detective Bureau (DB) carried out 6% of arrests. The 2022-

¹ NYC Local Law 093, 2015.

² The 2016 calendar year was the first in which the NYPD reported on activity by officers outside of the School Safety Division, giving a more complete picture of the enormous impact police have on the educational environment.

³ Due to the global Coronavirus (COVID-19) pandemic, the end of the school year 2019-2020 and full school year 2020-2021 school year was primarily taught through remote and hybrid learning environments where a majority of children were not present in their school buildings. Therefore, we omit school years 2019-2020 and 2020-2021 from our analysis as it does not reflect the traditional in-person school environment.

2023 school year saw an 11% increase in total NYPD response and a 7% decrease in SSO response for all incidents compared to the previous year. NYPD Patrol officers used force in 4.5% of on-site, school-related incidents, almost twice the amount of force used by SSOs.

- **Racial Disparities:** 2022-2023 saw no change in the persistent disproportionality of students of color being the primary targets of police involvement in schools. Nearly 90% of police interventions targeted Black and Latinx students, the proportion as in the 2021-2022 school year. Officers handcuffed Black and Latinx students at significantly higher rates than their white peers, especially in incidents where police were not arresting students and/or where no criminal activity occurred.
- **Mental & Emotional Health:** In 2022-2023, officers placed Black and Latinx children who experienced severe emotional distress in metal handcuffs at a rate over 1.6x that of white children in incidents classified as *child-in-crisis*⁴. This means that children of color with emergency mental health needs are far more likely to be treated as criminals by their schools and the police. The continued inhumane use of police and emergency services to punish and remove these children reflects a lack of professionally trained and certified mental health personnel in NYC schools.
- **Scanning-Related Incidents:** Fortunately, the number of scanning and metal detector incidents declined by almost half between the 2021-2022 and 2022-2023 school years. Of the 3,696 scanning-related incidents in the 2022-2023 school year, 81% resulted in mitigation with only 1% of scanning-related incidents resulting in the police arresting students. Only seven out of the 1,047,895 students enrolled in NYC schools were arrested by officers on scanning-related felony charges. These findings suggest that the objects detected by metal detectors do not pose a substantial danger to the school environment.

Total Incidents in 2022-2023

14,048 police-involved incidents

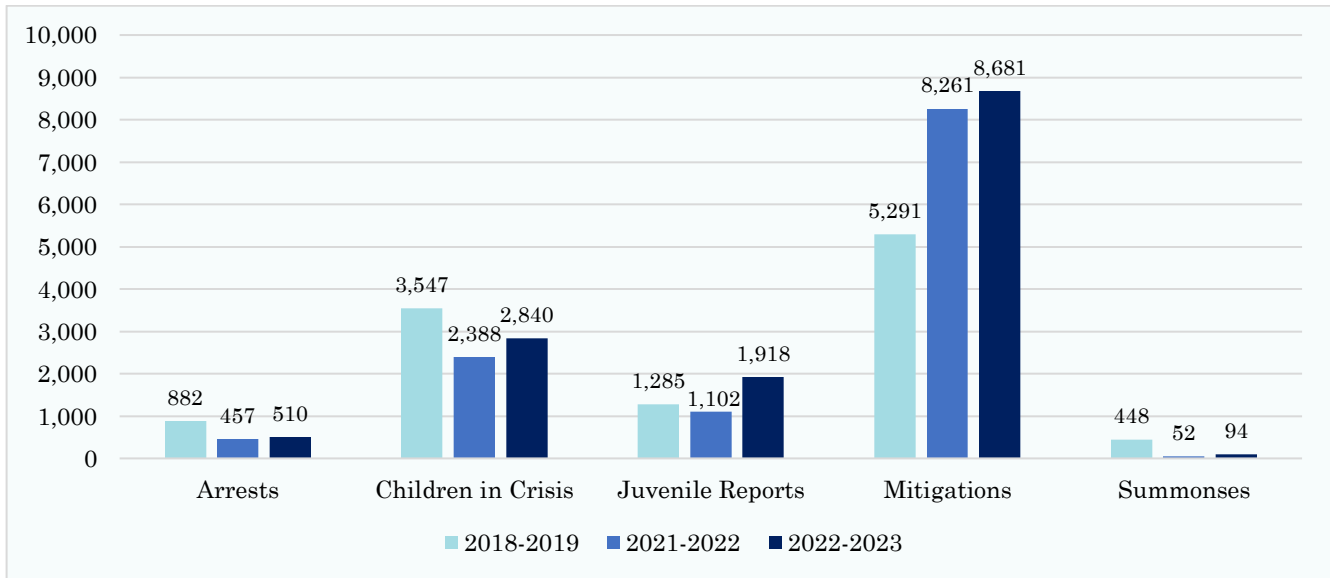
510 Arrests (4%)
 2,840 Children in crisisⁱ (20%)
 1,918 Juvenile reportsⁱⁱ (14%)
 8,681 Mitigations (62%)
 5 PINS/warrantsⁱⁱⁱ (0.04%)
 94 Summonses (1%)

1, 049 incidents resulted in use of handcuffs

448 Arrests (43%)
 206 Children in crisis (20%)
 284 Juvenile reports (27%)
 77 Mitigations (7%)
 3 PINS/warrants (0.3%)
 31 Summonses (3%)

⁴ Child-in-crisis is the NYPD’s term for a child experiencing emotional or mental distress.

Figure I. Police Interventions in NYC Schools



** School years impacted most by remote and hybrid learning, 2019-2020 & 2020-2021, were excluded from this figure to reflect full-time, in-person learning, where a majority of enrolled students are physically present in school buildings.*

ARRESTS:

The NYPD reported a total of 510 school-based arrests in 2022-2023, 88% of which involved metal handcuffs. 237 (46%) of these arrests were of students for school related allegations (charges that occurred on school grounds, during school hours, involving individuals under 21, and based on school-related incidents). This is important because students are often depicted in the media as being troubled, violent, or badly behaved, particularly after the COVID shutdowns, but the data simply does not support these beliefs.

- Black and Latinx students accounted for 91% of arrests, and white students accounted for 4%.
- SSOs carried out 24% of arrests, as opposed to precinct-based police officers. This is a slightly higher proportion of arrests by SSOs than in past reporting periods. However, a significant proportion of activity in schools is still carried out by NYPD officers with no special training for responding to young people and no formal connections to the school environment.
- 112 arrests (22% of total arrests) were a result of non-school-related incidents that occurred off school grounds. This means the police entered a school building to arrest and remove a student who may or may not have presented any danger to their school. This is discouraged by the Chancellor’s Regulations and MOU. Advocates have urged NYC to end this practice, as it may discourage kids who may be in trouble from attending school.
- 75% of the children that officers arrested identified as male. The NYPD does not utilize the gender expansive X marker in their data for the 2022-2023 school year.
- 6% of the children officers arrested were aged 12 and under. All but one were Black and/or Latinx. This demonstrates that children of color, including the youngest in our schools, are more easily viewed as criminals.

Figure II. Arrests & Summons by Quarter, 2017-2019 (Prior to 2019 MOU)⁵

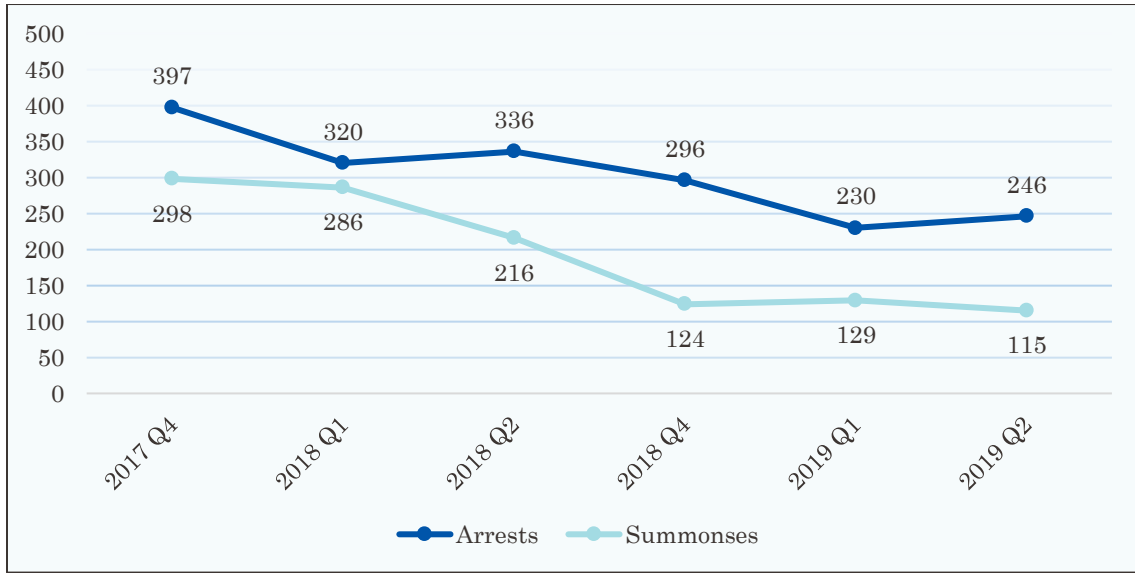
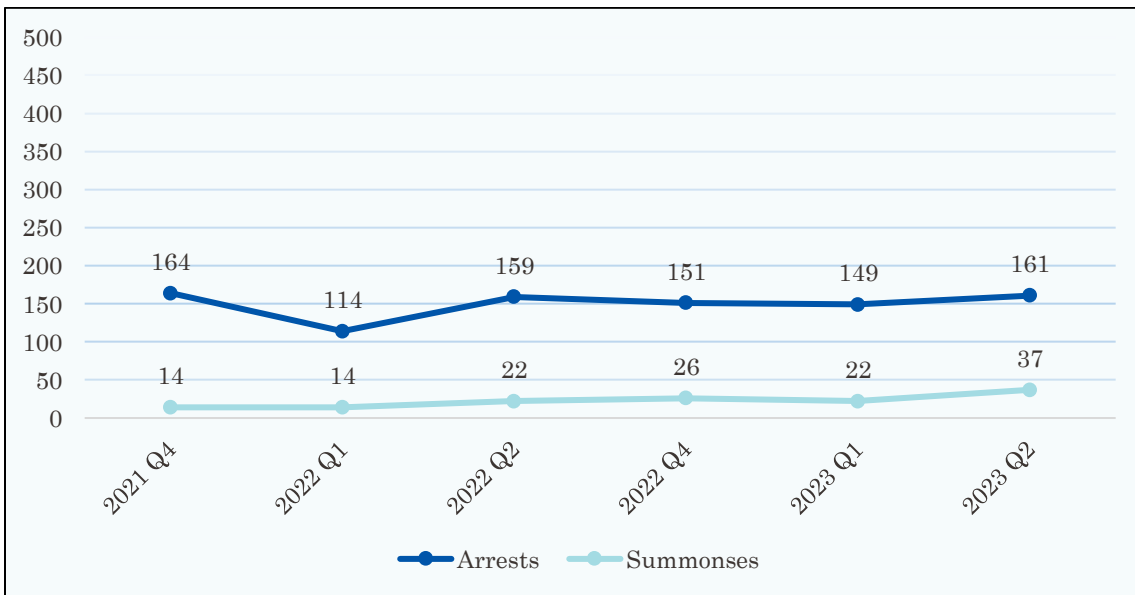


Figure III. Arrests & Summons by Quarter, 2021-2023 (Post 2019 MOU)



SUMMONSES:

Officers issued 94 court summonses in schools in 2022-2023, 33% of which involved metal handcuffs. Court summonses are typically issued for non-criminal violations of the law; they are uniquely inappropriate in a school setting, where research shows that discipline is less effective if it is not close in time to the incident. The number of summonses issued has been on the decline for

⁵ Figure II and Figure III exclude the following: 1. Quarters from remote and hybrid learning years 2019-2021 where most children were not in school. 2. Quarter 3 from each year as this quarter occurs during summer months July through early September where most children are not in school

many years, reflecting the impact of New York’s “Raise the Age” law, state law limiting police interventions in school discipline matters, and the NYPD’s policy decision to issue warnings in place of summonses.

- 89% of students who received a summons were Black or Latinx and 5% were white. Of the 31 summonses where officers used handcuffs, all but 1 were Black or Latinx students.
- SSOs issued only one-fifth (20%) of summonses. NYPD Patrol and other uniformed enforcement officers issued the remaining 80%.

CHILD-IN-CRISIS INCIDENTS:⁶

- Officers placed Black and Latinx children experiencing emotional distress in metal handcuffs at 1.6x the rate of their white peers.
- 2,840 child-in-crisis incidents occurred in 2022-2023, 7% of which consisted of officers restraining children with metal handcuffs.
- NYPD Patrol and SSOs used force on 30 children while experiencing emotional distress for on-site, school-related incidents in the 2022-2023 school year. NYPD Patrol responded to 2% of total child-in-crisis incidents. SSOs responded to 6% of child-in-crisis incidents.
- 1% of Child-in-crisis incidents involved the use of force. SSOs use force twice as often as NYPD in these incidents.
- Black and Latinx students accounted for 85% of total child-in-crisis incidents and 90% of child-in-crisis incidents where officers used handcuffs on children.

JUVENILE REPORTS:⁷

- Officers issued 284 juvenile reports in schools in 2022-2023, 14% of which consisted of officers restraining children with metal handcuffs.
- Black and Latinx students accounted for 89% of juvenile reports, and 90% of juvenile reports where officers used handcuffs on children.
- NYPD Patrol gave 13% of juvenile reports and SSOs gave 85% of juvenile reports. 2% of juvenile report incidents involved the use of force.

⁶ *Child-In-Crisis*: Incidents where a student displays signs of emotional distress and is forcibly removed from the classroom and taken to hospital for a psychological evaluation.

⁷ *Juvenile Report*: A report for a student under 16 who allegedly committed an offense that, if they were an adult, would be considered criminal. The report substitutes for an arrest or summons, and students are detained during the time it takes to collect details.

MITIGATIONS:⁸

The NYPD reported 8,681 mitigated incidents in 2022-2023, 77 (1%) involved officers handcuffing children. The number of Black and Latinx students placed in handcuffs only decreased by 12% from the previous school year, compared to the total number of students placed in handcuffs in mitigated incidents decreasing by 18%.

Observing this difference in handcuff decrease rate, our findings suggest that while there was some improvement made in terms of decreasing handcuff use, this improvement is seen less often for Black and Latinx students compared to their peers.

- The total number of mitigated incidents increased substantially compared to the previous school year by 5% and from pre-MOU school year 2018-2019 by 64%.
- Black and Latinx students were the subject of 87% of total mitigated incidents and 96% of mitigated incidents where officers used handcuffs. White students accounted for only 4% of mitigated incidents where officers used handcuffs. Black, Latinx, and white students were handcuffed by officers at the same rate this year.
- In 2022-2023, SSOs responded to 1% of mitigations and NYPD Patrol responded to less than 1% of mitigations. SSOs used force in 12 incidents, 1 in 9 mitigations they responded to.
- In 2022-2023, SSOs used force 12x more often than NYPD Patrol in total mitigated incidents. Though SSOs are more likely to respond to mitigations than NYPD Patrol, our findings on incidents with this high NYPD response rate might suggest that we would see a proportional increase in the use of force (given the greater rate of NYPD Patrol response to mitigations).
- This year's statistics are a slight improvement from the 2021-2022 statistics, where SSOs used force in 1 in 5 on-site, school-related mitigated incidents they responded to.

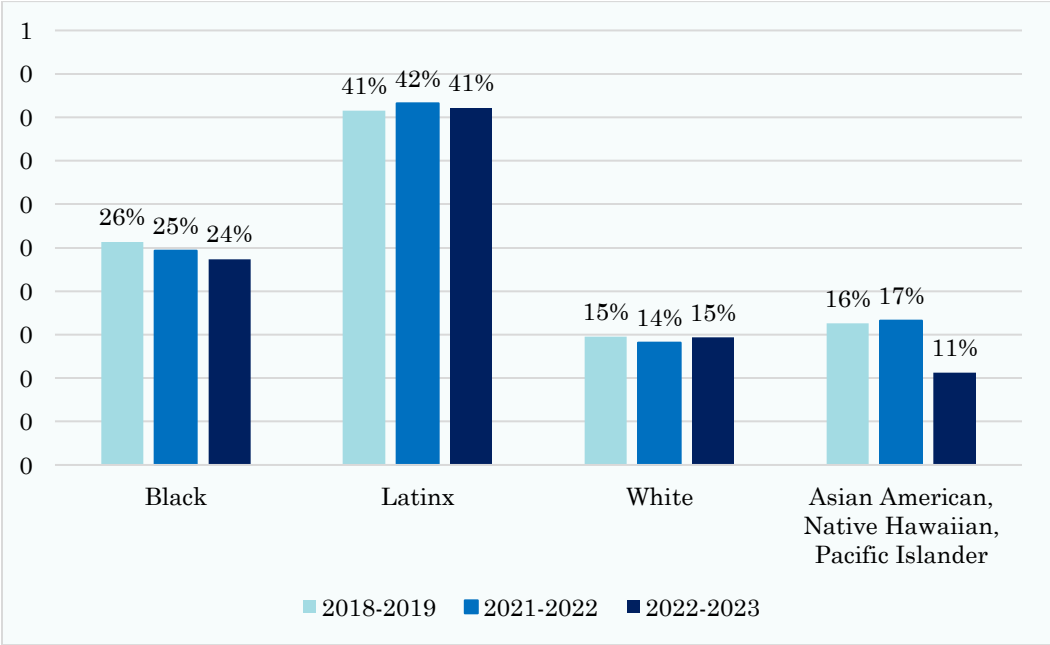
METAL HANDCUFFS (ALL INCIDENTS):

- Officers handcuffed students in 1,049 incidents in 2022-2023, accounting for 7% of all incidents in schools.
- Black and Latinx students accounted for 90% of incidents where officers restrained minors using metal handcuffs. Officers handcuffed Black and Latinx students at a slightly higher rate than white students (8% of total incidents compared to 7% of total incidents).
- Children aged 12 and under accounted for 5% of those handcuffed. All but 4 were Black and Latinx.
- Officers handcuffed 68% of students who identified as male. Black and Latinx students accounted for 92% of males and 92% of females officers handcuffed.

⁸ *Mitigation*: Incidents where a student commits an offense, but the NYPD releases the student to the school for discipline.

ENROLLMENT:

Figure IV. DOE Enrollment by Student Race/Ethnicity, 2018-2023



Data derives from the NYSED and the DOE Enrollment snapshot for 2022-2023.