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## THE COUNCIL

### REPORT OF THE HUMAN SERVICES & GOVERNMENTAL AFFAIRS DIVISIONS ROBERT NEWMAN, LEGISLATIVE DIRECTOR

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#### COMMITTEE ON PUBLIC SAFETY

Council Member Peter Vallone, Jr. – Chairperson

#### COMMITTEE ON JUVENILE JUSTICE

Council Member Sara Gonzalez - Chairperson

November 10, 2009

**PROPOSED INT. NO. 816-A:**

By Council Members Jackson, Mark-Viverito, Avella, Barron, Dickens, Eugene, Felder, Fidler, Foster, Garodnick, Gerson, Gonzalez, James, Koppell, Liu, Mendez, Sanders Jr., Vann, White Jr., Yassky, Mealy, Recchia Jr., Stewart, Dilan, Arroyo, Gennaro, Gioia, Ferreras, Lappin, Brewer, Gentile, Palma and Seabrook

**TITLE:**

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council.

**I. INTRODUCTION**

On November 10, 2009, the Education Committee, chaired by Council Member Robert Jackson, the Public Safety Committee chaired by Council Member Peter Vallone Jr., and the Juvenile Justice Committee, chaired by Council Member Sara M. Gonzalez, will hold a hearing on Proposed Int. No. 816-A. This bill would amend the New York City charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council. Representatives of the Department of Education, the New York City Police Department, student advocacy groups, civil liberties groups, parents, and other concerned members of the community are expected to attend.

**II. BACKGROUND**

In 1998 the former New York City Board of Education (now the Department of Education, (“DOE”)) voted to transfer significant control of school safety and security from its Division of School Safety to the New York City Police Department (“NYPD”).<sup>1</sup> The plan included the transfer of jurisdiction over 3,200 School Safety Agents (“SSAs”) to the NYPD, which included the responsibility of training, recruiting and managing such agents.<sup>2</sup>

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<sup>1</sup> Lynette Holloway, Board Votes to Give Police Control Over School Security, *The New York Times*, Sept. 17, 1998.

<sup>2</sup> Id. There are now approximately 5,000 SSAs in the system.

The relative success of the transfer is debated by many parties. One of the positive aspects of the transfer, according to the NYPD, is that schools have become safer since it gained control of safety procedures in 1998. According to testimony given by the NYPD at a previous City Council hearing on school safety held in October 2007, from the 1999-2000 school year until the 2006-2007 school year, total crime in schools decreased by almost 14%, violent crime by nearly 20%, non-criminal incidents, such as harassment and disorderly conduct dropped 21.3%, and possession of weapons and dangerous instruments dropped 51.5%.<sup>3</sup> In June of this year Mayor Bloomberg reported that since 2001 major crime in schools has dropped nearly 45%, and violent crime nearly 33%, and that in the 2008-2009 school year alone, major crime was reduced by nearly 10%.<sup>4</sup> The fiscal year 2009 Mayor's Management Report ("MMR") showed a 13% decrease in the seven major felony crimes in schools from the previous fiscal year and a greater than 20% decrease in other criminal incidents.<sup>5</sup>

Aspects of the transfer that are reportedly less successful, however, involve the allocation of authority regarding school safety decisions and the manner in which school safety enforcement is carried out. Specifically, the concerns focus on: (i) the school safety authority structure; (ii) apparently harsh punishment meted out by SSAs; and (iii) oversight of SSAs.

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<sup>3</sup> Oral testimony of Assistant Chief James Secreto, Commanding Officer for the NYPD School Safety Division, New York City Council hearing, Oversight – School Safety, p. 21, Oct. 10, 2007.

<sup>4</sup> Press Release, Office of Mayor Michael Bloomberg, Mayor Bloomberg Discusses How Accountability in the Schools has Led to Historic Gains in School Safety in Weekly Radio Address, June 21, 2009 at [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2009a%2Fpr279-09.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2009a%2Fpr279-09.html&cc=unused1978&rc=1194&ndi=1)

<sup>5</sup> Mayor's Management Report Fiscal Year 2009, Department of Education, available at [http://www.nyc.gov/html/ops/downloads/pdf/\\_mmr/doe.pdf](http://www.nyc.gov/html/ops/downloads/pdf/_mmr/doe.pdf).

### *School Safety Authority Structure*

To govern the initial transfer of power, the then-Board of Education and the NYPD drafted a Memorandum of Understanding (“MOU”) in 1998. According to news reports, however, serious questions regarding who was given authority to make school safety decisions remained.<sup>6</sup> Furthermore, the MOU was largely thought to have expired in 2002, until The New York Civil Liberties Union (“NYCLU”) reported on June 17, 2009, that an inquiry by Assemblyman Karim Camara uncovered a 2003 renewal of the agreement signed by Mayor Bloomberg and Schools Chancellor Joel Klein.<sup>7</sup> During an October 2007 City Council oversight hearing about the structure of school safety and the relationship between the NYPD and DOE, some individuals expressed confusion and/or displeasure regarding the authority structure as it related to school safety.<sup>8</sup>

One particularly dramatic incident demonstrating the confusion surrounding the chain of command in school safety decisions occurred just one day before the Council’s October 2007 hearing. On October 9, 2007, the principal of East Side Community High School was arrested on charges of obstructing governmental administration and resisting arrest as he tried to intervene in the arrest of a student by an SSA.<sup>9</sup> Police stated that the principal became involved in an altercation with another SSA when the principal tried to avoid having a student removed from school via the front door.<sup>10</sup>

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<sup>6</sup> Randal C. Archibold, New Era as Police Prepare to Run School Security, *The New York Times*, Aug. 16, 1998.

<sup>7</sup> New York Civil Liberties Union, Secret Agreement between NYPD and DOE over Police in Schools yet another Symptom of Broken System, June 17, 2009 at <http://www.nyclu.org/node/2480>.

<sup>8</sup> See transcript of the New York City Council hearing, Oversight – School Safety, Oct. 10, 2007.

<sup>9</sup> Jennifer Medina, Police Arrest a Student, Then Her Principal, Too, *The New York Times*, Oct. 10, 2007; see also transcript of the New York City Council hearing, Oversight – School Safety, Oct. 10, 2007.

<sup>10</sup> Jennifer Medina, Police Arrest a Student, Then Her Principal, Too, *The New York Times*, Oct. 10, 2007.

### *Concerns Regarding Harsh Punishment*

Other arrests in schools caused advocates to question whether SSAs are overly harsh in their approach to school safety. On January 17, 2008 a 5-year-old was handcuffed at P.S. 81 in Queens after throwing a tantrum in his kindergarten class and knocking items off a desk in the principal's office.<sup>11</sup> Even after his baby-sitter arrived at the school to pick him up, the boy was not released, but instead taken by ambulance to Elmhurst Hospital Center to be evaluated.<sup>12</sup> In a suit later filed against the City, the NYPD, and the DOE, the boy's parents alleged that the 5-year-old suffered wrist injuries when handcuffed as well as psychological and emotional damage.<sup>13</sup> The parents claim that their son suffered from nightmares after the incident and underwent treatment with a psychologist.<sup>14</sup> This incident is a particularly dramatic one, but advocates, based largely on surveys and interviews of students, teachers, parents and school administrators argue that many individuals in the school system are concerned about the treatment of students by SSAs.

For example, a report by NYCLU, entitled *Criminalizing the Classroom: The Over-policing of New York City Schools*, found that "the environment created by the massive deployment of inadequately trained police personnel in schools...is often hostile and dysfunctional" and leads to the criminalization of students.<sup>15</sup> NYCLU also argues that SSAs and police often subject students to inappropriate treatment including: derogatory, abusive and discriminatory comments and conduct; intrusive searches; and

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<sup>11</sup> Carrie Melago, School Cop Put Him in Cuffs!, *Daily News*, Jan. 25, 2008.

<sup>12</sup> Id.

<sup>13</sup> Carrie Melago, 15M Suit to Go With Kid Cuffs. 5-Yr.-Old's Parents Blame City, Cops & Ed. Dept. in Shackling, *Daily News*, Feb. 21, 2008.

<sup>14</sup> Id.

<sup>15</sup> The New York Civil Liberties Union and the American Civil Liberties Union, Criminalizing the Classroom: The Over-Policing of New York City Schools, March 2007.

arrest for minor non-criminal violations of school rules.<sup>16</sup> Such arrests have the potential to lead students into the juvenile justice system, which can in turn lead to the student falling behind in his or her studies and becoming detached from the school environment.<sup>17</sup>

### *Oversight of School Safety Agents*

Advocates also argue that SSAs should be held accountable for their actions in a more transparent manner. There are complaints that those who encounter difficulties with SSAs have trouble voicing their complaints because the complaint-filing process is unpublicized and difficult to maneuver. Indeed, there is little information available via either the DOE or NYPD websites that would assist individuals in filing complaints against SSAs.

A complaint may be made by contacting the Internal Affairs Bureau (IAB) of the NYPD, which has jurisdiction over major complaints, such as serious misconduct or corruption. Complaints that constitute less serious conduct are passed to School Safety Investigations.<sup>18</sup> Among the complaints that School Safety Investigations handles are cases that involve accusations of force, abuse of authority, discourtesy, or offensive language (“FADO allegations”).<sup>19</sup> In 2006 there were 142 complaints involving FADO allegations against SSAs, 9 of which were substantiated and 4 of which were partially

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<sup>16</sup> *Id.*

<sup>17</sup> A child’s involvement in the Juvenile Justice System can lead to a protracted involvement in that system that follows them throughout their adolescence and adulthood. The New York City Independent Budget Office reports a high rate of recidivism for youth that are detained: 75% of New York City juveniles released from upstate facilities are rearrested within three years of release. *Alternative to Jail Programs for Juveniles Reduce City Costs*, a report by the New York City Independent Budget Office, July 11, 2006.

<sup>18</sup> New York City Council hearing, *Oversight – School Safety* (Oct. 10, 2007) at 92.

<sup>19</sup> Letter from NYPD Comm’n Kelly to New York City Council Speaker Quinn, undated (on file with the New York City Council Public Safety Committee).

substantiated.<sup>20</sup> In 2007 there were 191 complaints, 15 of which were substantiated and 7 of which were partially substantiated.<sup>21</sup> For the first nine months of 2008, 131 complaints involving FADO allegations were received, 3 of which were substantiated and none of which were partially substantiated.<sup>22</sup> For all three years, the majority of the complaints alleged excessive use of force.<sup>23</sup>

### III. SCHOOL SAFETY DATA

The issues and concerns surrounding school safety are of great concern to the people of New York City. As many claims are of an anecdotal nature, however, it is difficult to evaluate the reality of the situation. School safety was one of the issues addressed by the State Senate in approving changes to the school governance law for New York City schools this past August.<sup>24</sup> An amendment adopted by the Senate (S6106), establishes an annual school safety meeting in each school.<sup>25</sup> The purpose of this meeting would be to provide an opportunity for the school administration and the parents to discuss school safety concerns, including matters related to school safety officers.<sup>26</sup> The meetings are intended to be school specific, meaning that they are meant to address safety concerns affecting an individual school.<sup>27</sup> Although this amendment and three others adopted by the Senate have not been formally adopted by the Assembly,

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<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> For further information, see briefing paper of the New York City Council Committee on Education, Oversight: DOE's Implementation of the New School Governance Law, September 23, 2009, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=513764&GUID=64CCFA70-AB40-4BE4-89A1-E7329B6B7765&Options=&Search=>.

<sup>25</sup> See proposed Senate Amendment S6106.

<sup>26</sup> Id.

<sup>27</sup> Id.

the DOE has agreed to move forward with implementing them.<sup>28</sup> Hopefully such meetings will shed light on the concerns advanced by students, parents, and advocates. In the meantime, supporting data are needed to evaluate the safety situation in schools.

#### *Available Data Pertaining to School Safety*

Limited data is available in the MMR. The New York City Police Department section of the FY 2009 MMR provides a breakdown of the number of occurrences of the seven major crimes that took place in schools. The seven major crimes are murder, rape, robbery, felonious assault, burglary, grand larceny, and grand larceny auto.<sup>29</sup> The NYPD section of the FY 2009 MMR also provides the number of school incidents that fall into “other criminal categories” and “other incidents.”<sup>30</sup>

In past years, however, more information about school safety was available in a supplementary indicator table. In FY 2006 and 2007, for example, the Police Department section of the MMR supplementary indicator table provided data, under the title “school safety,” for the following incidents: murder, rape, sex offenses, robbery, assault (felonious), assault (misdemeanor), kidnapping, burglary, grand larceny, grand larceny auto, arson, menacing, reckless endangerment, suicide, attempted suicide, criminal mischief, petit larceny, riot, false alarm, bomb threats, weapons possession, possession of dangerous instrument, controlled substance, marijuana, harassment, disorderly conduct, trespassing, and loitering. The incident grand total was also provided, as was a

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<sup>28</sup> Id. Note that the Education Committee has on file a letter dated August 14, 2009 from Chancellor Klein to Assembly Speaker Sheldon Silver and Senator John Sampson confirming that the DOE “will move forward to implement the substance of the Senate’s four proposed chapter amendments administratively.”

<sup>29</sup> See Mayor’s Management Report Fiscal Year 2009, New York City Police Department, available at [http://www.nyc.gov/html/ops/downloads/pdf/\\_mmr/nypd.pdf](http://www.nyc.gov/html/ops/downloads/pdf/_mmr/nypd.pdf). In FY 2009 there were zero murders, five rapes, 146 robberies, 231 felonious assaults, 104 burglaries, 414 grand larcenies, and 2 incidents of grand larceny auto.

<sup>30</sup> Id. The number of “other criminal categories” was 3,559. The number of “other incidents” was 5,843.



breakdown of the location of reported incidents by high school, middle school, elementary schools, and special education programs.<sup>31</sup>

The aggregate number of “major crimes, other crimes and non-criminal incidents” that occur within DOE schools can be found in the DOE section of the MMR.<sup>32</sup> The DOE website provides a link to its section of the MMR and to the DOE supplemental indicator table from FY 2007.<sup>33</sup> The DOE collects safety data from schools via its Online Occurrence Reporting System (OORS).<sup>34</sup> In the past, a link from the DOE homepage was available that would display the number of “major crimes, other crimes and non-criminal incidents” for each school.<sup>35</sup> At this time, however, such a link is not accessible from the DOE homepage.

The DOE is also required to submit data on school safety annually to the New York State Education Department (SED). SED’s Uniform Violent and Disruptive Incident Reporting System (known as VADIR) gathers data on violent and disruptive incidents in schools and uses the information to comply with State and federal reporting requirements and to identify schools as persistently dangerous, as required by the federal

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<sup>31</sup> See Supplementary Indicator Tables for Fiscal Year 2006, Mayor’s Management Report, p.64-65, available at [http://www.nyc.gov/html/ops/downloads/pdf/2006\\_mmr/0906\\_indicators.pdf](http://www.nyc.gov/html/ops/downloads/pdf/2006_mmr/0906_indicators.pdf); See Supplementary Indicator Tables for Fiscal Year 2007, Mayor’s Management Report, p.90-91, available at [http://www.nyc.gov/html/ops/downloads/pdf/2007\\_mmr/0907\\_indicators.pdf](http://www.nyc.gov/html/ops/downloads/pdf/2007_mmr/0907_indicators.pdf). These supplementary tables are attached as exhibits A and B.

<sup>32</sup> See Mayor’s Management Report Fiscal Year 2009, Department of Education, available at [http://www.nyc.gov/html/ops/downloads/pdf/\\_mmr/doe.pdf](http://www.nyc.gov/html/ops/downloads/pdf/_mmr/doe.pdf). The number of “seven major crimes” for FY 2009 was 902. Under the DOE portion of the MMR this data is not disaggregated by crime. The number of “other criminal categories” was 3,559. The number of “other incidents” was 5,843..

<sup>33</sup> See Department of Education, “Data About Schools, available at <http://schools.nyc.gov/AboutUs/data/default.htm>.

<sup>34</sup> DOE website, “Office of School and Youth Development,” accessed at <http://schools.nyc.gov/Offices/OSYD/default.htm>.

<sup>35</sup> DOE website, “School Safety Report,” accessed at <http://schools.nyc.gov/OurSchools/SchoolSafetyReport.htm>.

No Child Left Behind Act (NCLB) of 2001.<sup>36</sup> Data is required to be submitted annually for each school on incidents involving physical injury or threat of physical injury, (e.g. homicide, sex offense, assault, robbery, arson, kidnapping, reckless endangerment) and incidents involving weapons or that disrupt the educational process (e.g. burglary, bomb threat, criminal mischief, false alarm, riot and intimidation, harassment, menacing or bullying).<sup>37</sup> For each of these types of incidents schools must report the number of incidents overall; number of incidents involving alcohol or drugs; number of incidents on school transportation; number of offenders (student, staff and other); and number of victims (student, staff and other). Schools are also required to report all consequences of these incidents, that is, how many enrolled student offenders were assigned or referred to: counseling or treatment programs; teacher removal; suspension from class or activities; out-of-school suspension; transfer to alternative education program; and/or law enforcement or juvenile justice.<sup>38</sup>

Although a significant amount of information pertaining to school safety is available, the data are not standardized and the categories reported can vary from one year to another. Additionally, no data appears to be available that speaks to the relationship between SSAs, students, and teachers. Proposed Int. No. 816-A would serve the purpose of making data available that would fill the current information void and would provide greater transparency into the process of school discipline and safety.

### **III. ANALYSIS OF PROPOSED INT. NO. 816-A**

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<sup>36</sup> New York State Education Department (SED), “Directions for completing the *Summary of Violent and Disruptive Incidents Form* (VADIR summary form) 2008-09,” accessed at <http://www.emsc.nysed.gov/irts/vadir/2009/Directions-Completing2008-09VADIR.pdf>.

<sup>37</sup> SED, “Summary of Violent and Disruptive Incidents July 1, 2008 through June 30, 2009,” form IRS600-W-08/09ps, accessed at <http://www.emsc.nysed.gov/irts/vadir/2009/VADIR-Summary2008-09-Incidents-Form.pdf>. The results of this data for the 2007-2008 school year, disaggregated by school and type of incident, is available at <http://www.emsc.nysed.gov/irts/vadir/2009/VADIR0708-NYC.xls>.

<sup>38</sup> *Id.* at <http://www.emsc.nysed.gov/irts/vadir/2009/VADIR-Summary2008-09-Incidents-Form.pdf>

Proposed Int. No. 816-A would amend the city charter and administrative code of the city of New York, in order to increase transparency with respect to the status of school discipline in schools under the purview of the DOE. The bill would require four main things. First, it would require the DOE to report to the city council on the quantity and severity of student discipline on a quarterly basis. Second, it would require the NYPD to report to the city council on the number of complaints received against SSAs, and the type of complaints received. Third, the bill would require the NYPD to make a quarterly report to the city council on the number of students arrested and/or summonsed in schools. Finally, the bill would raise awareness of the process for making complaints against school safety agents by requiring 311 operators to inform any caller seeking to make a complaint against a school safety agent that complaints are to be lodged with the IAB and would require the NYPD and DOE to inform the public as to how to make such a complaint.

#### *Student Discipline*

Section one of the bill would amend chapter 20 of the New York city charter by adding a new section 530 requiring the DOE to report on student discipline each quarter. The information would be disaggregated by school, race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services) and would report on the number of students: subjected to a superintendent suspension, principal suspension, expulsion, removed from a classroom by a teacher, who have left their school, or were discharged from school. It would require additional

information regarding each incident such as the date and infraction code(s), description of each incident, and/or the duration of each action.

### *Complaints Against SSAs*

Section two of the bill would amend chapter one of title 14 of the administrative code of the city of New York to add section 14-152, relating to the reporting of information pertaining to complaints against SSAs. This section would require the department to submit to the council a quarterly report with the number of complaints against SSAs. The report required by the bill would include information about the source of the complaint, whether the complaint was lodged directly with the department or referred to the department from 311 or another source, and on whose behalf the complaint is being made.

This report would include the number of allegations made in each of the following categories: excessive use of force, abuse of authority, discourtesy, use of offensive language, and unreasonable confiscation of student property. In addition, the report would contain information as to how many complaints were: made in each school district, open at the end of the preceding quarter and the number of days each has been pending, and closed during the preceding quarter. The report would also require the disposition of each closed complaint and the number of days each closed complaint was open. Lastly, it would report the number of complaints in which discipline was imposed and the specific discipline imposed upon each school safety agent in each case, and the number of school safety agents that were the subject of more than one complaint and the disposition of each such complaint, disaggregated by school safety agent.

The DOE data provided under Proposed Int. 816-A would enable light to be shed on the types of discipline handled by DOE staff as opposed to SSAs.

#### *Activity in Schools*

Subsection c of section two of the bill would require the NYPD to submit to the council, on a quarterly basis, a report disaggregated by school race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services). This report would document the number of students arrested and/or summonsed; the charges and classification of the charges for those cases in which arrests were made or summonses given; a description of non-criminal incidents and, of the total number of incidents, the number that arose due to metal detector or magnetometer scanning. It is important to note that much of this information is already collected by the DOE and NYPD.

#### *Public Education*

Subsection d of section two of the bill would require public education with respect to making a complaint against SSAs. Within thirty days of the effective date of the local law, 311 operators would be required to inform callers seeking to make a complaint against a school safety agent that complaints are to be lodged with the internal affairs bureau of the NYPD, and, upon consent of the caller, would transfer callers to the IAB. Additionally, the NYPD and DOE would place text explaining that individuals may call 311 in order to make a complaint against a SSA on the first page of each of their websites. Notices would be placed in at least one location in each department precinct

and each DOE school in which SSAs are assigned, indicating that individuals can call 311 in order to make a complaint against a SSA.

Section three of the bill provides that the law would take effect ninety days after its enactment into law.

### **III. CONCLUSION**

It is the Committees' hope that the data required by Proposed Int. No. 816-A would bring a level of transparency and visibility to school safety procedures and decisions that is currently lacking. At today's hearing the Committees will discuss Proposed Int. No. 816-A and will also seek to learn more about school safety data that is currently available and about the channels of communication that exist between schools, SSAs, students, and parents. Additionally, the Committees plan to hear from all interested parties as to their experiences with school safety issues within DOE schools.

Proposed Int. No. 816-A

By Council Member Jackson, Mark-Viverito, Avella, Barron, Dickens, Eugene, Felder, Fidler, Foster, Garodnick, Gerson, Gonzalez, James, Koppell, Liu, Mendez, Sanders Jr., Vann, White Jr., Yassky, Mealy, Recchia Jr., Stewart, Dilan, Arroyo, Gennaro, Gioia, Ferreras, Lappin, Brewer, Gentile, Palma and Seabrook

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of education and the police department to provide information regarding school discipline and school safety agents to the city council.

Be it enacted by the Council as follows:

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530, to read as follows:

§ 530. Education department report on student discipline. The department of education, or its successor, shall submit to the council on a quarterly basis, disaggregated by school, a report, based on data from the preceding quarter, on discipline of students in tabular form, including:

a. The total number of students, disaggregated by school, race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services):

1. subjected to a superintendent suspension;
2. subjected to a principal suspension;
3. subjected to an expulsion;
4. removed from a classroom by a teacher;
5. who have left whether due to (i) a transfer to another school, including the school to which such student was transferred, (ii) transfer to a disciplinary alternative

school, or (iii) for some other reason;

6. discharged from school.

b. For each incident of a superintendent suspension, principal suspension, or expulsion, the date and infraction code, or codes, related to each incident of discipline and the duration of each suspension;

c. For each incident resulting in a student being removed from a classroom by a teacher, the date and a description of each incident that resulted in removal from the classroom and the duration of each removal;

d. For each incident in which a student has left or been discharged from a school, the date and discharge and transfer code related to each instance of the student leaving or being discharged.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152 to read as follows:

§14-152. Complaints against school safety agents. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "School safety agent" shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

2. "Complaint" shall mean an allegation, or allegations made by the same individual, against a school safety agent when the allegation or allegations concern misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, sex, sexual orientation, gender identity and expression and disability.

b. Report of complaints received against school safety agents. The department



shall submit to the council on a quarterly basis a report, based on data from the preceding quarter, that shall include, at a minimum, the number of:

1. complaints against school safety agents received during the preceding quarter, disaggregated by school;

2. complaints against school safety agents, lodged directly with the department, disaggregated by complaints made by (i) students on behalf of themselves, (ii) a parent or guardian on behalf of a student, (iii) a department of education employee in his or her official capacity on behalf of a student, (iv) a parent or guardian on behalf of themselves, (v) a department of education employee on behalf of him or herself;

3. complaints referred to the department from 311 and all other sources disaggregated by complaints made by (i) students on behalf of themselves, (ii) a parent or guardian on behalf of a student, (iii) a department of education employee in his or her official capacity on behalf of a student, (iv) a parent or guardian on behalf of themselves, (v) a department of education employee on behalf of him or herself;

4. allegations made in each of the following categories: (i) excessive use of force, (ii) abuse of authority, (iii) discourtesy, (iv) use of offensive language, and (v) unreasonable confiscation of student property;

5. complaints made in each school district;

6. (i) open complaints at the end of such preceding quarter and (ii) the number of days each has been pending;

7. (i) complaints closed during such preceding quarter, (ii) the disposition of each closed complaint, and (iii) the number of days each closed complaint was open;

8. (i) complaints in which discipline was imposed, and (ii) the specific discipline

imposed upon each school safety agent in each case; and

9. school safety agents that were the subject of more than one complaint and the disposition of each such complaint, disaggregated by school safety agent.

c. Report of activity in schools. The department shall submit to the council on a quarterly basis, a report based on data from the preceding quarter, disaggregated by school race/ethnicity, age, sex, gender identity and expression (if self-reported) and student status (whether the student is in general education, special education, English language learner, or resource room/related services):

1. the number of students arrested and/or summonsed;

2. in those cases where arrests or summonses were made: (i) the charges (including penal code section), and (ii) whether the charge was a felony, misdemeanor or violation;

3. a description of each non-criminal incident that took place during the quarter;

and

4. the number of incidents, both criminal and non-criminal, that arose due to metal detector or magnetometer scanning;

d. Public education. 1. Within thirty days of the effective date of the local law that added this section, 311 operators shall inform any caller seeking to make a complaint against a school safety agent that complaints are to be lodged with the internal affairs bureau of the New York city police department, and, upon consent of the caller, shall immediately transfer any such call to the internal affairs bureau of the New York city police department.

2. The department and the department of education shall place on the first page of

each of their websites text explaining that individuals may call 311 in order to make a complaint against a school safety agent.

3. Notices. A sign shall be displayed in at least one location in each department precinct and in each department of education school in which school safety agents are assigned, indicating that individuals can call 311 in order to make a complaint against a school safety agent.

§ 3. This local law shall take effect ninety days after its enactment into law.

OP  
8/25/09

**EXHIBIT A**

**Excerpt from  
SUPPLEMENTARY INDICATOR TABLES to MAYOR'S MANAGEMENT  
REPORT  
FY 2006**

# POLICE DEPARTMENT

INDICATORS FOR MAJOR MISSIONS	FY05 Annual Actual	FY06 Annual Actual
- Staten Island	181	189
o NYPD Crime-in-Progress Radio Runs (000)		
- Total	368	388
- By Patrol Borough		
- Manhattan North	44	47
- Manhattan South	32	34
- Brooklyn North	65	69
- Brooklyn South	58	59
- Queens North	34	34
- Queens South	36	38
- Bronx	85	91
- Staten Island	14	16
o Avg. Response Time to Crime-in-Progress Calls (Minutes)		
- Citywide (all categories)	7.2	7.1
- Critical	4.4	4.3
- Serious	6.3	6.0
- Non-Critical	12.0	11.8
- By Patrol Borough		
- Manhattan North	6.9	7.0
- Manhattan South	6.6	6.9
- Brooklyn North	7.2	6.8
- Brooklyn South	7.4	7.3
- Queens North	7.3	7.3
- Queens South	6.8	6.8
- Bronx	7.1	6.9
- Staten Island	9.7	9.1
<b>SCHOOL SAFETY</b>		
o Murder	0	0
o Rape	6	3
o Sex Offenses	307	208
o Robbery	276	250
o Assault (Felonious)	319	256
o Assault (Misdemeanor)	1,641	1,506
o Kidnapping	3	4
o Burglary	139	122
o Grand Larceny	569	552
o Grand Larceny Auto	5	4
o Arson	37	38
o Menacing	169	162
o Reckless Endangerment	99	74
o Suicide	0	0
o Attempted Suicide	17	7
o Criminal Mischief	549	689
o Petit Larceny	1,353	1,422
o Riot	9	7
o False Alarm	19	32
o Bomb Threats	144	83
o Weapons Possession	389	395
o Possession of Dangerous Instrument	1,936	1,730
o Controlled Substance	35	33

# POLICE DEPARTMENT

INDICATORS FOR MAJOR MISSIONS	FY05 Annual Actual	FY06 Annual Actual
o Marijuana	634	557
o Harassment	3,653	3,354
o Disorderly Conduct	3,249	3,218
o Trespassing	491	400
o Loitering	45	28
o Grand Total	16,093	15,134
o Reported Incidents by Location		
- High Schools	8,892	8,484
- Middle Schools	4,205	3,827
- Elementary Schools	2,285	2,239
- Special Education	711	584
CRIME		
o Major Felony Crime	136,491	130,093
- Murder & Non-Negligent Manslaughter	537	564
- Forcible Rape	1,243	1,115
- Robbery	24,243	24,077
- Felonious Assault	17,728	17,167
- Burglary	25,221	23,704
- Grand Larceny	48,360	46,684
- Grand Larceny Auto	19,159	16,782
o Total Major Felony Crime	136,491	130,093
- By Patrol Borough		
- Manhattan North	15,182	14,467
- Manhattan South	22,129	20,808
- Brooklyn North	18,622	18,075
- Brooklyn South	23,562	21,992
- Queens North	16,870	15,826
- Queens South	13,126	12,872
- Bronx	23,504	22,716
- Staten Island	3,496	3,337
ARRESTS		
o Total Arrests	350,993	363,012
o Major Felony Arrests	39,650	39,909
- Murder & Non-Negligent Manslaughter	514	559
- Rape	1,233	1,157
- Robbery	11,502	12,564
- Felonious Assault	13,738	13,239
- Burglary	4,347	4,206
- Grand Larceny	6,736	6,832
- Grand Larceny Motor Vehicle	1,580	1,352
o Narcotics Arrests	87,927	92,374
- Felonies	27,265	28,262
- Misdemeanors	59,985	63,413
- Violations	677	699

**EXHIBIT B**

**Excerpt from  
SUPPLEMENTARY INDICATOR TABLES to MAYOR'S MANAGEMENT  
REPORT  
FY 2007**

# POLICE DEPARTMENT

INDICATORS FOR MAJOR MISSIONS	FY06 Annual Actual	FY07 Annual Actual
o Avg. Response Time to Crime-in-Progress Calls (Minutes)		
- Citywide (all categories)	7.1	6.9
- Critical	4.3	4.2
- Serious	6.0	5.6
- Non-Critical	11.8	11.7
- By Patrol Borough		
- Manhattan North	7.0	6.7
- Manhattan South	6.9	7.0
- Brooklyn North	6.8	6.6
- Brooklyn South	7.3	7.1
- Queens North	7.3	6.9
- Queens South	6.8	6.9
- Bronx	6.9	7.0
- Staten Island	9.1	8.4
<b>SCHOOL SAFETY</b>		
o Murder	0	0
o Rape	3	5
o Sex Offenses	208	227
o Robbery	250	192
o Assault (Felonious)	256	246
o Assault (Misdemeanor)	1,506	1,447
o Kidnapping	4	1
o Burglary	122	137
o Grand Larceny	552	579
o Grand Larceny Auto	4	5
o Arson	38	39
o Menacing	162	132
o Reckless Endangerment	74	70
o Suicide	0	0
o Attempted Suicide	7	7
o Criminal Mischief	689	862
o Petit Larceny	1,422	1,405
o Riot	7	10
o False Alarm	32	13
o Bomb Threats	83	54
o Weapons Possession	395	361
o Possession of Dangerous Instrument	1,730	1,376
o Controlled Substance	33	20
o Marijuana	557	503
o Harassment	3,354	3,257
o Disorderly Conduct	3,218	3,192
o Trespassing	400	308



# POLICE DEPARTMENT

INDICATORS FOR MAJOR MISSIONS	FY06 Annual Actual	FY07 Annual Actual
o Loitering	28	38
o Grand Total	15,134	14,486
o Reported Incidents by Location		
- High Schools	8,484	7,964
- Middle Schools	3,827	3,605
- Elementary Schools	2,239	2,401
- Special Education	584	516
 <b>MAJOR FELONY CRIME</b>		
o Major Felony Crime	130,093	123,136
- Murder & Non-Negligent Manslaughter	564	557
- Forcible Rape	1,115	944
- Robbery	24,077	22,324
- Felonious Assault	17,167	17,047
- Burglary	23,704	21,968
- Grand Larceny	46,684	45,818
- Grand Larceny Auto	16,782	14,478
o Total Major Felony Crime	130,093	123,136
- By Patrol Borough		
- Manhattan North	14,467	13,770
- Manhattan South	20,808	19,570
- Brooklyn North	18,075	17,371
- Brooklyn South	21,992	20,439
- Queens North	15,826	14,761
- Queens South	12,872	12,375
- Bronx	22,716	21,561
- Staten Island	3,337	3,289
 <b>ARRESTS</b>		
o Total Arrests	363,012	397,808