

RAISE the AGE | NY

Memo of Support for Legislation Enacting a Prohibition Against the Use of Chemical Agents by Police Against Children S4002 (Brouk) / A5449 (Meeks)

In light of the recent incident in Rochester where a 9 year old girl experienced a mental health crisis and was physically restrained with handcuffs and pepper sprayed by police, we are confronted by the failure of our response to children in mental health crisis and the criminalization of Black children in New York. As the *Daily News* said in a recent editorial, “[w]hen a 9-year-old is cuffed and casually pepper-sprayed, it must be a clarion call for change.” On behalf of the Raise the Age NY Coalition, we write in support of S4002 (Brouk)/A5449 (Meeks), which is a necessary first step in reform and protects children from chemical agents in our communities.

The Raise the Age NY Coalition includes organizations from across New York, including formerly-incarcerated youth and their families, child advocates, service providers, faith leaders, legal services groups, and unions. Together, we helped pass the Raise the Age law to end the practice of automatically charging all 16- and 17-year-olds as adults. Today, we stand with allies from across the state who are moving youth justice forward.

This bill would ban the use of chemical agents like pepper spray and tear gas by police officers against children. The rationale for the bill is clear. The use of chemical agents pose immediate and significant physical harm and trauma to children. Moreover, chemical agents like pepper spray are prohibited by State regulations in all youth justice detention and placement facilities state-wide. The same rule should apply in our neighborhoods and communities. It is not acceptable to pepper-spray children.

The bill is especially critical to protecting the lives of Black children. Research has consistently shown that Black boys are more likely to be viewed by police as older, “less innocent,” more threatening, and thus more likely to face a use of force – like pepper spray – by police.¹ There is similar research around Black girls’ vulnerability to dehumanizing police response.² The legislation is a critical part of a larger project to address the disparate treatment of Black boys and girls in policing by pushing back against the common practice of treating children of color as though they are adults.

If you have any questions about the bill, please contact Julia Davis, Director of Youth Justice & Child Welfare, Children’s Defense Fund-NY at jdavis@childrensdefense.org.

¹ “The Essence of Innocence: Consequences of Dehumanizing Black Children,” *Journal of Personality and Social Psychology*, published online Feb. 24, 2014; Phillip Atiba Goff, PhD, and Matthew Christian Jackson, PhD; University of California, Los Angeles; Brooke Allison, PhD, and Lewis Di Leone, PhD, National Center for Post-Traumatic Stress Disorder, Boston; Carmen Marie Culotta, PhD, Pennsylvania State University; and Natalie Ann DiTomasso, JD, University of Pennsylvania.

² “Girlhood Interrupted: The Erasure of Black Girls’ Childhood,” Center on Poverty and Inequality at Georgetown Law School, Rebecca Epstein, Jamilia J. Blake, Thalia Gonzalez (2017).