



All Eyes on Us

**— Youth  
— Justice  
— Board**

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The 2018-2019 Youth Justice Board and staff commemorate the conclusion of their final presentation.

This publication was written by Youth Justice Board members and staff. The research and ideas presented in this report are the work of the teen members of the Youth Justice Board; staff helped structure the report and assisted with the writing.

The Youth Justice Board is a project of the Center for Court Innovation. It was established in 2004 to give young people a voice in policies that affect their lives. Each year, a team of teenagers from across New York City investigates a current justice system or public safety issue, formulates policy recommendations, and works to promote and implement key ideas.

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Points of view and opinions expressed in this document are the opinions of the Youth Justice Board members and do not necessarily represent the official position or policies of the Center for Court Innovation or the above-named entities.

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# Dear Reader

Our goal for this report is to raise discussions surrounding social media and its relationship to the justice system as well as the school system. We want to be able to inform people about policies that have a huge impact on youth lives, as well as how our social media is used to incriminate us without our knowledge. We intend to create an intergenerational understanding between adults and youth. We hope that this report will encourage reform within the justice system regarding its interactions with the digital lives of youth. We also hope to make resources available to youth that will educate them on their rights so they can defend themselves against the unjust surveillance of their data.

We are part of a generation that uses social media extensively. Therefore, policies concerning social media impact us the most. There is a gap between the advancement of the government's use of our information and citizens' knowledge. Youth are misinformed about how their social media is being monitored and what is being done with their information, thus making them vulnerable to unfair consequences.

As people read this report, we want them to empathize with the marginalized youth that are affected by this issue. Through our research, we have found that adults can overlook how social media can compromise young peoples' futures in society, whether the consequences are probation, incarceration, or emotional trauma. We want everyone to become impassioned by the injustices youth face due to the lack of policies surrounding social media. In addition, we want youth especially to become fierce advocates for their own protection.

Our work on this project is guided by the importance of youth advocacy and youth leadership. We strongly believe that accountability and transparency should be encouraged for people in power. We strive to empower ourselves by using the knowledge we gained through our research in order to give back to our communities. We believe in creating unity among youth and people in power through using these policy recommendations to change the digital lives of youth for the better.

Thank you,

**THE YOUTH JUSTICE BOARD**

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THIS REPORT IS DEDICATED TO ALFRED SIEGEL, A DEVOTED SUPPORTER OF THE YOUTH JUSTICE BOARD AND A MENTOR TO ITS MANY STAFF, MEMBERS, AND ALUMNI.

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# The Youth Justice Board Model

Over the course of a two-year program cycle, a team of teenagers from across New York City bring young people's perspectives to public policy discussions around public safety and the justice system. In the first year of the program's two-year cycle, Board members research a selected issue, develop and publish informed policy recommendations, and present them to policymakers and key stakeholders. During the second year, members work to implement the recommendations. Each year, new teens representing a diverse cross-section of neighborhoods and backgrounds are selected to join the Board. Participants include youth with firsthand experience of the issues addressed by the program. The program's curriculum builds Board members' leadership, research, and public speaking skills and helps them develop and advance substantive and actionable policy recommendations.

## **TRAINING:**

During the first two months of the program, members receive intensive training on power, oppression, and access, research strategies, listening, interviewing, and presenting information to multiple audiences. Members also learn how local government works. The training phase includes a kick-off weekend retreat that provides members with background information on the current cycle's topic and lays a foundation for teamwork.

## **FIELDWORK:**

The Board designs and implements a research plan that includes interviews, focus groups, and site visits with a range of sources. They meet with experts in the field, community members, and public officials. Members design and lead focus groups of young people affected by the issue under investigation to learn how it affects their peers.

## **POLICY DEVELOPMENT:**

The Board's research culminates in the development of credible, actionable, and targeted policy proposals. The Board issues a final report and presents its recommendations directly to government officials and policymakers.

## **IMPLEMENTATION:**

During the implementation year, the Board works to demonstrate to decision-makers and service providers the feasibility of its recommendations. Members design, develop, and pilot new initiatives based on their policy proposals. Part of their demonstration work includes raising awareness of the topic and its impact on youth and communities. The Board uses multiple strategies to reach a range of audiences, including but not limited to campaigning directly to officials at key agencies, collaborating with stakeholder organizations, developing peer education modules, and creating infographics for laypeople.

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# Introduction

Social media has become a part of our daily lives. As of 2018, ninety-five percent of teens nationally had access to a smartphone, and forty-five percent of teens claimed to be online “almost constantly.”<sup>1</sup> Our generation uses social media for actions that are core to our identities as teens: community-building, identity exploration, relationship maintenance, and seeking approval. Being online—both actively using social media apps on our devices as well as being reachable when our devices are in standby—is our default way of interacting with any other person in our lives.

As we live our lives online, adults, particularly those affiliated with public agencies, use online platforms for surveillance purposes. Our feeds are scanned by parents, teachers, school administrators, social service workers,

probation officers, police officers, and district attorneys, to name a few. Through our research, we have found that, overall, youth have little or no knowledge about the potential consequences of their interactions on social media, as well as the rights (or lack thereof) that they have over their digital data.

The Youth Justice Board has looked at the relationships between youth social media and the justice and school systems. We have identified three main problem areas: lack of youth knowledge, inadequate regulations, and the law enforcement gang database. We propose eight policy recommendations to address these areas and to identify opportunities to better support youth as their lives become more intertwined with the internet, in order to minimize their involvement with the justice system.



Youth Justice Board members, divided into teams, work on their final presentation and report draft.



# Executive Summary

This report presents the findings and recommendations of the 2018-2019 Youth Justice Board, an after-school program that engages New York City teenagers in studying public policy issues that affect young people. The Board looked at the relationship between the digital lives of youth and the justice system in New York City to identify opportunities to better support youth, minimize justice system involvement, and prevent the criminalization and misinterpretation of youth social media content. During the 2019-2020 program year, the Board will continue to promote and work on implementation of many of the ideas contained in this report.

The Youth Justice Board developed eight recommendations to support youth in New York City and limit their interactions with the justice system:

**A. IMPLEMENT CURRICULUM AND STANDARDS TO EQUIP YOUTH TO BE DIGITAL CITIZENS.**

1. The New York State Education Department revises current Social Studies standards and curriculum to include K-12 digital citizenship education.
2. The New York State Education Department implements standards and curriculum addressing conflict response, beginning in kindergarten and growing through 12th grade.

**B. ELIMINATE OR SIGNIFICANTLY CHANGE HOW THE CRIMINAL GROUP DATABASE IS USED.**

3. The New York Police Department stops surveillance of social media and eliminates the “Criminal Group Database” (frequently referred to as the “gang database”).
4. The police department stops sharing unsubstantiated information about minors with external parties, including district or federal prosecutors.
5. The police department issues a public statement that describes the gang database in detail.

**C. CREATE REGULATIONS AND OVERSIGHT OF CITY AGENCIES’ USE OF RESIDENTS’ SOCIAL MEDIA.**

6. New York City Council requires all agencies to report their use of social media when making decisions about service provision.
7. New York City Council delineates the digital rights of minors and drafts a Youth Bill of Rights that supports and protects youth as we move further and further into a digitally connected future.
8. New York City Council mandates that the New York Police Department and all its subdivisions, including School Safety and Transit Police, be fully transparent about its surveillance tactics, tools, and risk assessment thresholds with the public; receive external approval for surveillance technology purchases; and submit plain-language plans for data use, maintenance, and disposal.

# A.

## Implement curriculum and standards to equip youth to be digital citizens.

Through our research, we learned that youth lack knowledge and training around digital citizenship and digital rights, which we view as an extension of the already documented digital divide. Young people in households and school districts with less established access to technology are less likely to receive either formal or informal education around their risks, rights, and responsibilities in engaging with the internet.<sup>2</sup> This absence of education makes sense; why would anyone train you on something that they don't have, can't guarantee that they'll have next month, and can't guarantee that you'll have?

Youth definitions of privacy are less likely to match with legal definitions of privacy, and more likely to presume no right to privacy even when there are protections for young people.<sup>3</sup> Unawareness of digital rights and policies keeps young people from making educated choices on social media, leading to misinterpretations, mistakes, and punishment. Participants in our focus groups offered belief statements like, "Social media isn't real life, it's basically just a platform... so I don't think it should count towards any, you know, real life [things]."

In our focus groups, several participants shared that they have not been taught about important aspects of digital citizenship except for admonitions against cyberbullying.

They also reported that, for the most part, responses to what schools deemed "cyberbullying" amounted to telling the offending youth "not to come back to school for a while until it dies off" or suspensions, and that the underlying issue is never addressed. Additionally, participants shared that they would prefer to go to friends and peers for support dealing with online conflict rather than counselors, teachers, or parents.

Participants also reported that, as of the date of our focus groups in March 2019, they had not been informed of their schools' policies regarding social media and interpersonal conflict. Several participants expressed skepticism that their schools even had a policy regarding discipline responses to social media incidents. Others said that only

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Social media isn't real life, it's basically just a platform... so I don't think it should count towards any, you know, real life [things].

— Focus group participant

students who faced disciplinary actions related to social media heard about the policy. One participant told us about being brought in for disciplinary meetings with school administrators after commenting on their school’s Instagram post with a critical—but civil—message about the school. As one participant put it, “The school never told [students] about the social media policy. The policy just pops up when the issue pops up.”

#### IDENTIFICATION OF THE PROBLEMS:

##### YOUTH DO NOT RECEIVE A STANDARDIZED, MANDATORY DIGITAL CITIZENSHIP EDUCATION.

We learned from representatives of the New York City Department of Education (“DOE”) that a recommended digital citizenship curriculum is available to schools that wish to implement one. In addition, New York City librarians created a curriculum guide for grades 1-12<sup>4</sup> focusing on internet responsibility and safety. However, schools do not have to report back to DOE regarding whether or how they implement any digital citizenship curriculum.

Beyond those guidelines, we need more guidance and standards on state and city levels. The New York City Department of Education has considered “electronically transmitted acts” to be part of bullying since 2008<sup>5</sup> and New York State Education Law has governed internet interactions since

2006, but this is not enough.<sup>6</sup> Multiple bills at the state level have been introduced since the passing of the original Dignity for All Students Act to specify that students must be instructed in digital citizenship, rather than *may* be instructed; only one bill has made it out of committee and been enacted. That bill only states that general civility and character education “shall include instruction of safe, responsible use of the internet and electronic communications.”<sup>7</sup>

State guidelines suggest that digital citizenship be incorporated into library education, but not into the main curriculum.<sup>8</sup> In New York City, the average ratio of librarians to students is 1 to 3,400; the district was ordered in 2014 to comply with state



Board members interview Serge St. Leger of the New York City Department of Education.



Youth Justice Board members walk event attendees through the learning game the Board developed around social media surveillance.

regulations regarding the minimum number of librarians in high schools but is still working to bring library facilities to all schools.<sup>9</sup> For example, eighty-seven percent of schools in Harlem do not have sufficient library staff to meet state regulations.<sup>10</sup> (It is important to note that charter schools are not required to meet the same regulations about librarian access for students.<sup>11</sup>) Clearly, positioning digital citizenship within library and media education is an ineffective strategy given these circumstances.

Within the New York State Education Department’s curriculum division of Career and Technical Education, which oversees what and how students are taught about technology, there is no mention of digital citizenship; students are only charged with being able to “describe how technology can have positive and negative effects on the environment and on the way people live and work” at the elementary standard.<sup>12</sup> Within Social Studies, students learn about their rights as young people in early elementary school but do not return to the topic after that; there is no state requirement that students learn about or critically assess their rights in the digital realm.<sup>13</sup> Neither the Social Studies standards nor the curriculum have been thoroughly revised since the late 1990s.<sup>14</sup>

By leaving digital citizenship and rights out of a standardized education, both the

state’s Education Department and the city’s Department of Education allow the digital divide to mutate into a digital-savvy divide. While a steep majority of teens now report access to a smartphone, few receive any type of education on the impacts of constant internet access; most schools report educating on cyberbullying, but do not address other aspects of digital citizenship.<sup>15</sup>

### **ONLINE CONFLICT BETWEEN YOUNG PEOPLE IS PUNISHED, NOT REPAIRED, AND STRATEGIES FOR DEALING WITH ONLINE CONFLICT ARE NOT OFFERED TO YOUNG PEOPLE.**

In addition to not knowing their digital rights and school policies, focus group participants also felt that the focus on cyberbullying did not match up with their experience of online conflict. Participants said that the social media incidents that led to system-enforced consequences weren’t due to social media; they were just regular conflicts that happened to take place through social media, and social media sped up the timeline between actions. One young person in our focus group explained how they alerted a friend to a classmate’s Snapchat post in which the classmate talked about fighting the friend. The friend’s parent got school administrators involved. Of the three students involved, our focus group participant was the one suspended—for inciting conflict between students.

From our perspective, the “problem with social media” is not a problem with social media itself. The root of social media disputes

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**The school never told [students] about the social media policy. The policy just pops up when the issue pops up.**

— Focus group participant

can be found in a lack of appropriate conflict resolution tools. Our current education system does not teach us how to healthily respond to and navigate conflict, despite this being a fundamental skill that all people need. Social media acts as a catalyst for conflict, not as the impetus. Instead of having a few hours or days to decide how to respond to an inciting action, young people now have a matter of minutes. In order to improve the way online issues are handled, youth need to be equipped with the right conflict response tactics to reduce harm.

We believe that adult educators and education administrators creating dedicated time and space to allow young people to learn and practice these two skill sets will mitigate the impact of social media surveillance on youth.

#### OUR RECOMMENDATIONS:

**1. The New York State Education Department revises current Social Studies standards and curriculum to include K-12 digital citizenship education.**

These standards would require that students are taught about consent in a digital sphere, about privacy principles and how to think critically about privacy for themselves and others, and about ethical decision-making as it relates to all technology usage. Finally, such standards would emphasize teaching young people how to slow down their decision-making around internet actions and communication, allowing them to let their developing executive function weigh in on the situation.

**2. The New York State Education Department implements standards and curriculum addressing conflict response, beginning in kindergarten and growing through 12th grade.**

We believe that equipping young people to regulate and de-escalate their own conflicts and disagreements would help address a large portion of the negativity associated with social media. It would also equip youth to better handle the challenges of emerging adulthood, careers, higher education, and family dynamics.

# B.

## Eliminate or significantly change how the Criminal Group Database is used.

During our research, we learned about the “Criminal Group Database” (frequently referred to as the “gang database”), a listing created, maintained, and referenced by NYPD to track individuals it suspects to be gang-involved. According to the NYPD, the gang database supports public safety initiatives by providing law enforcement with information to support detection, apprehension, and prosecution of illegal activities.

Individuals are added to the database and tracked across multiple avenues: social media, informants, neighborhood surveillance, and other forms of police contact. In February 2018, NYPD disclosed in answer to Freedom of Information Law (FOIL) requests that there were 42,334 individuals in the database,<sup>16</sup> but according to NYPD public testimony in June 2018, there were 500 distinct criminal groups in the database and 17,600 individuals.<sup>17</sup> As there is no documentation of how NYPD reviews and/or removes individuals from the database, we have no sense of which number is more realistic.

Being in the gang database can lead to an abundance of consequences, and can be extremely harmful to youth, especially youth of color. Inclusion in the database has a significant impact on how a defendant and case is prosecuted. For all age groups, allegations of gang membership will often

lead to a defendant being treated as an extremely violent individual—increasing the likelihood of pre-trial detention, decreasing options in plea bargaining, and increasing harshness of sentencing.<sup>18</sup> Even youth who are charged for misdemeanors, such as drug possession or petty theft, can face much greater consequences if they are on the gang database. Allegations of gang membership also open the door for defendants to be charged with conspiracy—a federal charge that allows for minors to be charged as adults in federal court at the discretion of federal prosecutors, regardless of what happens to them at the state level. These charges are what were leveled at the majority of the “Bronx 120”—120 Eastchester Gardens residents (110 of whom were under age 30) who were arrested in a massive raid in April 2016.<sup>19</sup> Of those 120 people, 110 were initially charged with conspiracy to distribute narcotics and 87 were charged with Racketeer Influenced and Corrupt Organizations (RICO) conspiracy.<sup>20</sup>

Information on the gang database is shared with third parties; according to testimony from Commissioner Dermot Shea, the NYPD “shares information about individuals’ gang affiliations with local District Attorneys’ Offices and the New York City Department of Correction.”<sup>21</sup> For the gang raids of the early 2010s, the NYPD collaborated with the



U.S. Attorney’s Office, the Federal Bureau of Investigations, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, meaning that they shared information about the individuals they had designated as gang members with those agencies.

We identified several problems with the NYPD database and the NYPD’s use of social media surveillance to identify people and activities to include in the database.

#### IDENTIFICATION OF THE PROBLEMS:

##### **NYPD HAS EXTENSIVE UNREGULATED ACCESS TO THE PUBLIC’S SOCIAL MEDIA.**

According to Kevin O’Connor, Assistant Commissioner for the NYPD Social Media Research and Analytics Team (SMART), NYPD has identified 11 social networking sites as being used by gangs, including the most popular platforms such as Snapchat, Facebook, Instagram, Twitter, and YouTube, as well as Xbox and Playstation chat rooms and an app called BurnerApp, which provides temporary disposable phone numbers.<sup>22</sup> Assistant Commissioner O’Connor suggested that establishing associations between suspected gang members is easier with social media, stating that, “The network does a lot of the work... pieces of the puzzle are already put together by the computer.” For example, lists of friends and followers provide evidence

of association. (According to O’Connor, gang members use posts for public reputation building, which reduces the likelihood that posts will have privacy safeguards on them.)

Officers often follow hashtags trending in particular locations, either manually or via automated processes. To do so requires no special software; knowledge of boolean search terms and a web browser are enough. One example provided to us referenced hashtags that use “E4” as a base, such as #E4A or #E4R. Those hashtags would stand for “Everything For Anthony” or “Everything For Rob,” which SMART personnel reported are used to show mourning following a death in the neighborhood. O’Connor shared that



Board members meet with Assistant Commissioner O’Connor at 1 Police Plaza.



SMART members will see these hashtags displayed on physical memorials for slain community members, then return and search for them to see who is posting that hashtag. The assumption is that, when the deceased is suspected to have a gang affiliation, people mourning that person are also gang-affiliated.

The NYPD's strategy for trawling social media varies. For example, the School Safety Division's Counterterrorism team watches social media closely for threats against school personnel or infrastructure. The majority of what SMART claims to see are public posts that stay online until the user removes them (for example, Snapchat or Instagram stories disappear after a set period of time). While special software is not required to perform surveillance, there are many social media monitoring services that offer a robust set of tools: real-time geographic tracking, influence measuring, and archiving of all materials.<sup>23</sup> We do not know what NYPD is using to perform their social media surveillance; given the volume of surveillance, it is highly likely that they are using *some* software.

In addition to monitoring public posts, NYPD officers are allowed to create fake profiles, despite platforms' regulations regarding the use of false profiles, as long as their supervisor approves.<sup>24</sup> These fake profiles are often made to represent teenage girls; officers then use the profile to 'friend' teenagers. Other sources spoke of "routine Facebook monitoring," including detectives telling community board members that police are "watching closely for social media posts." National police accountability investigations have shown a spate of companies providing advanced algorithmic monitoring of social media, using geofencing in tandem with instant image and post archiving to create digital dossiers for a particular location, event, or person.<sup>25</sup> Platforms also provide law enforcement with direct portals for access. On those portals, such as Facebook's Law Enforcement Online

Request System ([facebook.com/records/login/](https://facebook.com/records/login/)) or Google's Law Enforcement Request System ([lers.google.com](https://lers.google.com)), a user can check a box indicating "I am an authorized law enforcement agent or government employee investigating an emergency, and this is an official request" and then provide an email address to receive a login link that allows for one hour of portal use.

Some youth have reported to staff at the Legal Aid Society that they, or members of their community, have been brought in for questioning or corralled into a police car and driven around for twenty minutes or more, and that officers have demanded their social media login information, including passwords. Currently, there is no federal or state guidance on the legality of such demands in a municipal context.

Our focus group participants were unaware that police could look at their social media. One participant, when asked about posting about illegal activities, said "I don't have the police on Snap so I didn't have no consequences." Multiple participants believed that the police could only look at someone's social media if they were suspected of a crime: "If the police is looking into your stuff, it's because you did something really bad."

**CRITERIA FOR INCLUSION IN THE DATABASE ARE VAGUE, AND THAT AMBIGUITY IS MAGNIFIED WHEN THE CRITERIA ARE MET THROUGH YOUTHS' USE OF SOCIAL MEDIA.**

The NYPD's definition of a gang is unclear and harmful. The NYPD defines a gang as "a group of persons with a formal or informal structure that includes designated leaders and members, that engage in or are suspected to engage in unlawful conduct."<sup>26</sup> Of key importance in this definition is the *suspicion* of unlawful conduct; no proof of illegal action is necessary to designate a group of people as a gang. As a reminder, being a member of a gang is not against the law in New York State. Therefore, the database puts a criminal

label on those who may not have actually participated in any criminal activity. Based on information provided by the NYPD in response to various FOIL requests from 2011, as well as in publicly available testimony from 2018, we understand the criteria “for an individual to be qualified for entry into the I.D.S. data base as an identified gang member” to be as follows:<sup>27</sup>

- Admit to gang membership during debriefing/questioning;
- Be identified by two independent sources (sources must be identified with an institution; e.g., NYPD subdivisions, Department of Corrections, or an outside agency);
- Meet any two of the following sub-criteria:
  - Known gang location;
  - Colors associated with gangs;
  - Scars/tattoos associated with gangs;
  - Association with known gang members;
  - Gang-related documents;
  - Hand signs associated with gangs; and
  - Social media posts with known gang members while possessing known gang paraphernalia.

What is the definition of “social media posts with known gang members?” Does it include a Tweet thread debating the best Brooklyn

rapper, where one or more participants could be gang members? If we share a TikTok made by a gang member, do we become gang members by default? We, as young people, interact with complete strangers on the internet regularly; that is half of the purpose of being on certain platforms. The concept of “social media posts with known gang members” is overly broad and sweeps entirely too many people into a surveilled category. It also penalizes young people for forming connections with others in virtual space, when we have already seen that young people building connections in physical space is surveilled, criminalized, and multiply problematized.<sup>28</sup>

Similarly, what is the definition of posting while “possessing known gang paraphernalia”? While we are familiar with the concept of drug paraphernalia, we have no idea what gang paraphernalia might be. Perhaps it is the clothing and accessories identified by the NYPD as gang-affiliated? Perhaps it is weapons, although we would assume that naming weapons specifically would be in the NYPD’s best interests, particularly towards a prosecutorial end.

Drilling down into the other criteria, it is obvious that they are deliberately broad, especially when used to assess the actions of minors through the surveillance of social media. For example:



Board members present their recommendations to address the criminal group database.

- **Known gang location:**

In its presentation on New York City gangs (“NYPD Gang”), the NYPD states that “gang trends are geographical and always changing throughout New York City.”<sup>29</sup> From an interactive map put together by the NY Daily News based on information from the NYPD Juvenile Justice Division, we can see that some of those geographical gang trends are limited to a single street corner or one side of a city block, and that in some cases, several alleged opposing gangs

share the same small territory.<sup>30</sup> From earlier statements by Commissioner Ray Kelly about the characteristics of crews, we also know that these “known gang locations” are very often simply where a group of friends lives.<sup>31</sup> We have not seen or reviewed any materials that reveal how these known gang locations are determined or vetted.

- **Colors associated with gangs:**  
This criterion may have been straightforward when first established, but from that same NYPD Gang presentation, we learned that the following colors are all gang-associated: black, red, green, brown, and khaki for Bloods; black, blue, gray, purple, and orange for Crips; black, gold/yellow, red, purple, and green for Latin Kings; and blue, red, white, black, purple, and lime green for loosely defined “Dominican Gangs.”<sup>32</sup> We had a difficult time identifying colors that were *not* gang-affiliated, based on this list.
- **Association with known gang members:**  
Association with known gang members is simply too vague of a concept to be justifiable in assigning criminal intent to a person. From this criterion, it could be enough to live in the same building as a “known gang member” and say good morning to them on a regular basis.

Having a cousin who is a “known gang member” who comes over to play Xbox is enough of an association. Being the child of a former gang member is enough of an association. This criterion criminalizes people simply because of geographical or familial ties that are beyond any individual’s control, and certainly beyond a minor’s control. It is also important to point out the obvious: if meeting any two criteria makes someone a “known gang member” in the NYPD’s eyes, then the NYPD can start with just one person and widen the net to include everyone that person encounters.

- **Gang-related documents:**  
The criterion of having “gang-related documents” is very vague. There is no additional information about what qualifies. In addition, we are curious how a police officer would determine that someone is in possession of a gang-related document without conducting a lawful search, which would require pre-existing justification and documentation.
- **Scars, tattoos, and hand signs associated with gangs:**  
We would like to know who identifies hand signs, translates them, and decides that they are marks of criminal intent. We would also like to know the assignation process for tattoos and scars and how those also demonstrate criminal intent.



Drs. Patton and Cogburn of SAFELab share their research with Board members.

Even if the criteria were less vague or overinclusive, there would still be a major issue with how officers are trained in the use of these criteria. We tried to verify the public testimony of Commissioner Dermot Shea to the New York City Council Committee on Public Safety, stating that the recommendation to add an individual to the database requires “a written narrative and supporting documentation.”<sup>33</sup> In documents made public due to a lawsuit against the NYPD, NYPD personnel represented that

the criteria by which it assigns criminality to over 40,000 New Yorkers are transmitted by word-of-mouth only, explaining that new officers “sit down with seasoned detectives who communicate the criteria for entry in the database.” As a result, records related to the gang database criteria could not be located for provision to the NAACP Legal Defense Fund.<sup>34</sup> We have serious reservations about any process for labelling between 15,000 and 40,000 people as “criminal” that does not have basic documentation on its criteria.

#### **THE GANG DATABASE INCLUDES CREWS.**

A “crew” is a group of teenagers who identify themselves with a group name, usually affiliated with a neighborhood or particular activity (e.g., playing basketball together, or making music together). NYPD’s definition of gangs allows for the inclusion of crews, which are, according to statements from the NYPD, distinct from gangs by their lack of interest in entrepreneurial ventures (legal or illegal). Former Commissioner Ray Kelly said crews are groups of teens with “loyalty to their friends living in a relatively small area” whose rivalries are based only on turf or territory.<sup>35</sup> Subsequent presentations add that a crew is “a group of people associated or classed together: company, set, team, dang group, gang’ with ‘no initiations’ and ‘no consequences if you leave.’”<sup>36</sup> Once NYPD identifies a group as “criminal,” whether the group meets its technical definition of gang or crew seems to become irrelevant.

#### **THE CRITERIA FOR INCLUSION IN THE DATABASE OVERLAP WITH TYPICAL YOUTH BEHAVIOR**

The NYPD Gang presentation contains a slide titled “Gang Recognition” that lists the following items: colors, clothing/sports apparel, accessories (hats, belts, backpacks), symbols (five or six point stars), graffiti/cross outs/ink color, tattoos or other body markings, nicknames/tags, terminology/speech, hand signs/stacking, and rituals/meetings/prayers.<sup>37</sup>

While we do not have the script that went with this presentation, we find it troubling that wearing a hat, belt, and/or backpack seems to be evidence of gang involvement, as is having a nickname, in-group slang, or body art. The suspicion placed on young people for having rituals or meetings or conducting prayers is also deeply troubling to us, as it seems to be blatantly disregarding the rights conferred by the First Amendment of the U.S. Constitution.

#### **THE CRITERIA UNFAIRLY TARGET YOUNG PEOPLE OF COLOR.**

The broad definition of gang member serves to disproportionately criminalize Black and Brown youth. Ninety-nine percent of those profiled in the NYPD gang database are people of color, despite widely publicized national statistics showing that up to 40 percent of self-identified gang members are white.<sup>38</sup> When we look at the methods used to populate the database, we can see why.

Surveillance targets marginalized populations first: poor people, Black and Brown people, immigrants, people with disabilities, and the young.<sup>39</sup> NYPD practices do the same. The NYPD Gang presentation specifies social media sites for police to monitor, including sites marketed towards people of color, such as WorldStar, Thehoodup, and Imperialhiphop.<sup>40</sup> (Notably absent are Reddit and 4chan, which are used by white supremacist groups to recruit, organize, and execute hate crimes.<sup>41</sup>)

From Legal Aid’s outreach work, we learned that social media monitoring performed by the NYPD takes place primarily in public housing operated by the New York City Housing Authority (NYCHA). From NYCHA’s own reporting, we know that 90 percent of the residents of public housing are Black and Latinx, and 93.2 percent of the minors living in public housing are Black and Latinx.<sup>42</sup> From our own research work, we have seen that known gang locations as provided by the

NYPD do not overlap with predominantly white neighborhoods.<sup>43</sup>

What became obvious to us is that, based on the criteria used by the NYPD, the Youth Justice Board is a crew or gang. We have a specific color and multiple clothing items in that color, a symbol associated with our group, nicknames, and in-group slang, and we regularly host meetings. We all went through a relatively elaborate month-long initiation process. Through our work this year, we have all been in possession of things that might meet the classification of “gang-related document.” Some of us live in neighborhoods that the NYPD has declared to be gang territory. If we gather at one member’s home in our hoodies and talk about our research, what separates us from a gang or a crew according to the NYPD’s criteria?

#### OUR RECOMMENDATIONS:

### 1. The New York Police Department eliminates the “Criminal Group Database” (frequently referred to as the “gang database”).

The use and operation of the gang database is a violation of human rights and has a negative impact on Black and Brown youth in New York City. We understand that this is a very intense recommendation,



Assistant District Attorney Kerry Chicon shares her perspective with Board members.

but we feel strongly that criminalizing Black and Brown youth for their self-expression is seriously harmful. There is no reason for a Black kid in Harlem to be given a criminal label when they were never under investigation in the first place. Until the gang database is shut down, the following actions should be taken:

- **Modify the criteria for the database.** Eliminate vague markers such as wearing colors, living in a neighborhood that may have gangs, and affiliation with others already on the database.
  - **Remove crews from the database.** Do not include groups of youth and young adults who haven’t been charged or suspected of a crime.
  - **Create and publicize clear pathways for someone to know they are in the database, and to petition for their removal.** Currently, people who are put on the database have no notice that they are on it, nor any pathways to appeal.
  - **Do not include minors, 17 and younger, in the database.**
  - **Notify currently tracked minors and their legal guardians or representatives of their status on the database.** Include supporting evidence as to how they were put on the database in the first place.
- ### 2. The New York Police Department stops sharing unsubstantiated information about minors with external parties, including district or federal prosecutors.
- The NYPD’s gang database has tracked information about children as young as ten. Imagine describing a 10-year-old as a criminal to federal prosecutors, the FBI, or the ATF, just because they are



in a dance crew with other kids in their public housing complex.<sup>44</sup> To us, it is unconscionable that memberships from our childhood can be used to label us as criminals for the rest of our lives. The harm caused to youth by allegations of gang affiliation—violent arrests, raids in our homes, being labelled as violent and dangerous in detention, facing additional restrictions while in detention—are serious and traumatic. In addition, the public doesn't know about the extended consequences of being on this database; eviction of families from public housing, deportation<sup>i</sup>, and long-term unemployment are just a few possibilities.

It is one thing for a young person to declare themselves to be a member of a gang; it is another to use their favorite color and their home address to determine that they are a gang member. We believe that instituting a policy that prevents unsubstantiated information about minors, like gang affiliation as determined by vague criteria, from being used against them will help reduce the harmful impact of justice system involvement on youth.

### **3. The New York Police Department issues a public statement that describes the gang database in detail to the public.**

In the interest of transparency and police-public partnerships, this statement should include, for every month of the database's existence:

- The number of people on the database;
- The number of people below the age of 18;
- The number of people identified as non-white; and
- The neighborhoods represented in the database, by percentage and by number.

Making this information publicly accessible will demonstrate that the NYPD is willing to stand behind its investigative surveillance—or will further demonstrate that the database unfairly targets young, low-income, Black and Brown people. Either way, there is no way for the public to decide the utility of the database until we are all informed about its contents.

<sup>i</sup> | The Dream and Promise Act, legislation that passed in the US House of Representatives in 2019, allows for youth to be deported if there's any law enforcement belief that they are gang-affiliated.

# C.

## Create regulations and oversight of city agencies' use of residents' social media.

Over the course of our research, we kept coming back to one question: Who is in charge? Is there oversight regarding how internet activities impact the lives of residents? Who should young people turn to when they feel that their rights online have been infringed? While New York City has some structures in place to provide oversight (such as the Automated Decisions System Task Force<sup>ii</sup>), there are not enough checks on internet surveillance, and the few checks that exist are not powerful enough to protect vulnerable residents like youth, immigrants, low income residents, and people of color.<sup>45</sup>

Through our research, we learned that many adults learn about social media and its complexity through their interactions with youth. Several of our interviewees candidly told us that they ask their teenage children about different apps, capacities, and jargon related to social media and apps, and use what their children teach them on the job. While we celebrate the co-teaching happening in those moments, we are also very aware that such moments expose a critical gap in the dialogue around social media: an absence of adult expertise. This lack of expertise means that adults in policy-making roles are often unable to take informed, effective actions.

Compounding this issue is the overall lack of data on how often, or why, a youth's social media activities impact or interrupt social services, such as education, housing, and child welfare. Adding to the complexity is that there are no guidelines for when such activities should or should not impact service receipt—and, as we have seen with criminal justice involvement, the absence of regulation opens youth up to harm at the hands of the system.

### IDENTIFICATION OF THE PROBLEMS:

#### THERE ARE NO PUBLICLY AVAILABLE STATISTICS ON HOW SOCIAL MEDIA IMPACTS RESIDENTS' PARTICIPATION IN CITY LIFE.

We know from our focus groups and conversations with stakeholders that social media actions do lead to disciplinary consequences, but there are no reliable statistics for researchers to consult. Of the interviews we conducted, few of the stakeholders we spoke to had statistical information on how often social media has been used in cases. While they were all able to speak to what crosses their desks, only two people had data about their overall department, and those two people have jobs specifically relating to tracking social

<sup>ii</sup> | The Automated Decision Systems Task Force (ADS Task Force) was established in 2018. Its purpose was to recommend a process for reviewing the City's use of algorithms. According to the description: "Because many City agencies and offices use algorithms to aid their decision-making, and because automated decision systems are becoming more prevalent in all fields, the City is examining ways to ensure these systems align with the goal of making New York City a fairer and more equitable place." <https://www1.nyc.gov/site/adstaskforce/index.page>



media. This absence of data means that the public cannot know how widespread an issue this might be, nor can anyone look into correlations with demographics or outcomes. Without this information, it is harder to fully describe the relationship between social media and systemic consequences, and it becomes difficult to find solutions to reduce the harmful impact of this relationship. This lack of data means that the public cannot hold agencies and city services like education, law enforcement, and the courts accountable for the way they obtain and use residents' social media. In addition, without data and analysis to refer to, individual decision makers are left with only anecdotal information, popular opinion, and outdated and inapplicable policy to guide their responses. Not only does this negatively affect city residents now, but it will become an exacerbated problem with subsequent generations.

**YOUTH RIGHTS ARE DISTRIBUTED ACROSS A WIDE RANGE OF FEDERAL AND STATE POLICIES, AND DON'T ADEQUATELY PROTECT YOUNG PEOPLE'S DIGITAL LIVES.**

New York City does not have a concrete list of rights that youth have over their data. This allows for systems to surveil youth without consequences or regulations. California and Delaware are the only two states have laws in place that protect the privacy and data of minors.<sup>46</sup> We look to the example of

California's "Online Eraser" law as a possible starting point for standards of practice to protect youth's digital information.<sup>47</sup>

We think youth should have the right to erase their social media footprint. As a group, this is an issue we grappled with. During our research phase, several stories broke about high school students posting evidence of their belief in white supremacy; some of those stories involved our own schools. The idea that this proposed 'right to erase' might allow young people to escape accountability for bigotry became very personal. Ultimately, we came to the conclusion that: 1) we believe in people's ability to learn, grow, and atone; 2) as it currently stands, social media evidence



Board members meet with New York City Councilmember Antonio Reynoso to learn about the Council's role in oversight.

rarely leads to actual accountability for bigotry; 3) social media evidence too often leads to systemic harm for marginalized people. Therefore, youth should have the right to leave their mistakes behind them.

#### **THE PUBLIC DOES NOT KNOW HOW SOCIAL MEDIA IS AND CAN BE USED AGAINST THEM BY LAW ENFORCEMENT.**

The general public does not have access to information on how the NYPD surveils the city; transparency on behalf of agencies is not only important but a fundamental right that citizens of New York City should have. The NYPD is constantly updating its surveillance technology to include tactics such as facial recognition software and social media monitoring software, and its surveillance has a harmful effect on the city's residents.

Through our research, we learned that while the NYPD is accountable to the City Council on paper, it has been completely opaque when it comes to its surveillance practices and tools.<sup>48</sup> Almost all of the information that is publicly accessible about the NYPD's surveillance technology has been made available after intense cycles of FOIL requests and lawsuits. Such opacity runs counter to the NYPD's public commitment to increased transparency, and is particularly concerning where the City Council is involved.<sup>49</sup> If the only people to whom the NYPD is accountable are kept in the dark about the Department's operations, then who is overseeing its operations? Who is representing public interest and liberty in these operations?

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Ultimately, we came to the conclusion that we believe in people's ability to learn, grow, and atone.

— Youth Justice Board

We are aware that federal policy allows for the NYPD to purchase military-grade technology using federal dollars, private donations, and private grants.<sup>50</sup> NYPD then deploys that military-grade technology in our neighborhoods and communities—where we grow up, where we learn, where we gather with our families, and where we hang out with our friends.

#### **OUR RECOMMENDATIONS:**

**1. The New York City Council requires all agencies to report their use of social media when making decisions about service provision.**

We want agencies to report on the number of cases in which someone's social media actions became relevant to the proceedings of a case or provision of a service. For these cases, the report should include the demographics of the residents affected and the outcomes of those cases and decisions. Once the data set exists, researchers can tease apart the impact of social media surveillance on different resident groups and communities.

**2. The New York City Council delineates the digital rights of minors and drafts a Youth Bill of Rights that supports and protects youth as we move further and further into a digitally connected future.**

The Youth Bill of Rights should include clear protections for youth in online spheres and guarantee a right to grow and move past the mistakes of adolescence. Such a bill should also clearly limit sharing of minors' information with non-City entities; in particular, we are thinking of youth photos being shared with federal facial recognition databases, such as ICE. Without a Youth Bill of Rights that highlights a right to digital privacy, vulnerable and impacted youth are deprived of protection by the New York City government and are at risk of being wrongfully surveilled.

**3. The New York City Council mandates that the New York Police Department and all its subdivisions, including School Safety and Transit Police, be fully transparent about its surveillance tactics, tools, and risk assessment thresholds with the public; receive external approval for surveillance technology purchases; and submit plain-language plans for data use, maintenance, and disposal.**

We want the City Council to review and approve all NYPD purchases related to surveillance and technology. Possible legislative starting points include the Public Oversight of Surveillance Technology (POST) Act, currently under review by the New York City Council, as well as Oakland, California’s Surveillance Technology Ordinance of 2018.<sup>51</sup> San Francisco, California and Somerville, Massachusetts have also recently taken legislative steps to regulate and restrict government use of surveillance. We anticipate that this recommendation will be met with pushback related to investigative security.<sup>52</sup> We point to the myriad other investigative tools at the disposal of law enforcement which the public knows of and can reasonably expect to be used in the course of an investigation, such as fingerprinting, DNA, and GPS tracking. Public knowledge

of those tools has not decreased their efficacy in any demonstrable way. We are not expecting the NYPD to live tweet its investigations or surveillance operations; we are expecting it to build trust with the people it polices by explaining what tools it has at its disposal.

By preparing data use, maintenance, and disposal plans that are written in plain language and shared with the public, the NYPD can explain what tools it has and how it complies with state and federal laws governing surveillance by law enforcement. Data maintenance plans should include: the specific investigative uses for the technology; what data will be collected via said technology; how data collected that are not relevant to the investigation will be kept and subsequently disposed; what data will be shared, with whom, and the legal reasons why it will be shared; and how data ultimately unrelated to a legal case will be disposed of after the close of an investigation. Recent journalist investigations have revealed that the NYPD has been keeping databases of biometric information on minors in violation of state and federal law; it is not a stretch to assume that similar social media data is being kept, particularly when state or federal law does not regulate the storage and disposal of such data.



Youth Justice Board members present their work to representatives of the New York City Comptroller’s Office.

If the NYPD is truly committed to a public-police partnership,<sup>53</sup> then we expect that taking steps towards building an informed public that feels trust towards police will be a priority for the agency. By taking these legislative actions—requiring agency tracking of social media usage in cases, creating a Youth Bill of Rights, and implementing public oversight and accountability for the use of surveillance technology—the City Council can fundamentally shift the landscape of residents’ privacy rights towards liberty.

# Conclusion

One of the most challenging aspects of researching this topic was the absence of resources related to youth, digital surveillance, and systemic consequences. There are many groups looking at the impact of corporate social media surveillance on adults, and many people with perspectives on government use of social media information against adults, but the majority of youth-focused conversations were about parents, corporations, and children under 13. To us, it was often hard to figure out if what we were looking at was even a “real” issue.

If you began reading this report wondering that same question, we hope that you now see what we see: young people caught between competing adult priorities and left unserved by existing institutions. We hope that you now feel what we feel: alarm about the lack of attention to this issue, and urgency to take action in defense of youth rights.

Our recommendations aim to support the healthy, positive development of young New Yorkers as full people, with room for error and learning. We want to be educated in ways that promote our agency, help us make better decisions, and prepare us for future lives working and living alongside all kinds of people. We want New York City to take seriously the problems we have identified, and make visible and effective efforts to improve all of our lives and our futures. Thank you for taking the time to read our report.



Members celebrate each other at the end of their final presentation.

# Youth Justice Board Member and Staff Biographies

## AALIYAH

### SHE/HER/HERS

Aaliyah is a 17-year-old Panamanian of African descent. She attends Beacon High School. She joined the Youth Justice Board in order to have a larger platform to talk about issues such as discrimination, classism, and issues that affect low-income people and minorities in New York City. What she enjoys most about being in YJB are the open conversations and family-like environment. Aaliyah is most proud of being the New York Teen Poet Laureate for two years in a row and being on the Urban Word NYC Slam Poetry Team of 2019. Her hobbies include writing, reading, Hip Hop/West African dancing, and conducting open conversations about race, class, and cultural understanding. Next year, Aaliyah will be attending Kenyon College where she will pursue her degree in English with an emphasis in creative writing.

## ALEXIS

### SHE/HER/HERS

Alexis is a 16-year-old African American Brooklyn native attending Midwood High School. She joined the Youth Justice Board to further her knowledge in policy-making and how the justice system deals with youth in New York. What she enjoys most about being in YJB are the members of the Board and the experiences they share with the fieldwork they do. An achievement Alexis is proud of is getting into YJB and getting to meet amazing people, as well as networking in the cosmetology world due to her job as a

hairstylist assistant. Her hobbies include art, poetry, and reading thriller novels. Next year, Alexis plans to graduate high school and go to college.

## ANANYA

### SHE/HER/HERS

Ananya is a 17-year-old queer Bengali immigrant attending The Bronx High School of Science. She joined the Youth Justice Board because she has always been interested in government policy and social justice, and the Youth Justice Board was a perfect place to explore both. What she enjoys most about being in YJB is the relationships the members have built with each other and all of their commitments to involving themselves in their communities. Ananya has collaborated on a report with recommendations that would address the



Staff from the Bronx Defenders share feedback with Board members at their final event.





Board members prepare their presentation materials for their final event.

intersection of youth homelessness and the justice system, as well as collaboratively passing a resolution in City Council to advocate for the creation of more Gender Sexuality Alliances in New York City schools with her school's leadership council. Her hobbies include reading and art. Next year, Ananya plans to go to college.

**CLYDE**  
**HE/HIM/HIS**

Clyde is a 16-year-old Black young man attending School of the Future. He joined the Youth Justice Board because he wanted to learn about how policy works. What he enjoys most about being in YJB is the community. Some of Clyde's accomplishments are getting to the tenth grade and finding himself. His hobbies include building model kits. Next year, Clyde plans to come back for YJB and get a job.

**ELLA**  
**SHE/HER/HERS**

Ella is a 17-year-old Jewish twin from Manhattan attending Ethical Culture Fieldston School. She joined the Youth Justice Board because she wanted to learn about policy and the justice system and make an impact in her community. What she enjoys most about being in YJB is having intellectual conversations and learning new skills, including conducting interviews and public

speaking. She also enjoys learning about policy, the systems within New York City and who those systems affect. Ella has a sculpture in the New York Historical Society and has created her own clothing brand (which can be found on Instagram under the username @shop\_cityfamous). Her hobbies include working with children, art, and design. Next year, Ella plans to finish and graduate high school, and apply and get into college.

**EVELYN**  
**SHE/HER/HERS**

Evelyn is a 16-year-old Dominican who lives in the Bronx; she attends Mott Haven Village Preparatory High School. She joined the Youth Justice Board because it caught her attention and she felt as though it would be good to do more research and create solutions. What she enjoys most about being in YJB is being able to leave every day having learned something new, as well as how everyone supports each other. Evelyn has been ranked 4th in her grade, and takes care of her little brother. She has a huge passion for law. Next year, Evelyn plans to graduate high school.

**KIANNA**  
**SHE/HER/HERS**

Kianna is a 17-year-old attending Hunter College High School. She joined the Youth Justice Board because she was passionate about the program's topic and wanted experience in youth leadership. What she enjoys most about being in YJB is being a part of a community and being able to use her voice in an effective way. Some of Kianna's accomplishments include her previous work in YJB on creating policies to improve options for runaway and homeless youth and learning to play several instruments. Her hobbies include music (playing guitar and other instruments and singing and songwriting) and photography. Next year, Kianna plans to continue her work in YJB and eventually pursue sociology in college.

**MELISA**  
**SHE/HER/HERS**

Melisa is a 16-year-old Xicana currently attending the Urban Assembly School for Law & Justice. She joined the Youth Justice Board because it was an opportunity to meet other youth from around the city but to also learn more about a topic which intrigued her. What she enjoys most about YJB is constantly learning more about this topic and other things as well. An achievement that she is proud of is getting accepted to CIEE's Culture and Immersion Program, which will give her the opportunity to study abroad this summer in Peru. Melisa's passions are reading and swimming. Next year, Melisa plans to graduate from high school and apply to college.

**NIA**  
**SHE/HER/HERS**

Nia is a 16-year-old Puerto Rican Bronxite attending The Academy of Urban Planning and Engineering. She joined the Youth Justice Board because it was a new experience that would keep her productive during the school year. What she enjoys most about being in YJB is learning new things and being around people that are different and have different life experiences from her. Nia has facilitated her first focus group and joined Model United Nations. Her hobbies include watching documentaries and self-care activities, such as pampering herself. Next year, Nia plans to graduate early.

**NICOLE**  
**SHE/HER/HERS**

Nicole is a 17-year-old African young woman that attends Francis Lewis High School. She joined the Youth Justice Board because she wanted to learn more about public policy and the criminal justice system. The Youth Justice Board gave her the chance to learn more about her two interests in a hands-on way that allowed for her as a young person to produce change through policy recommendations. What she enjoys the most about YJB is the excitement towards learning

that her group members display. Nicole is proud that she was able to interview and learn about the work of really great people, like the Bronx Defenders and SAFELab at Columbia University. She is also proud of conducting a focus group and collecting data for the policy recommendations. Her hobbies include reading, writing, watching movies, and photography. Her passions are spoken word, creative writing, social justice, and history. Next year, Nicole plans to attend college and get a job.

**OSVALDO**  
**HE/HIM/HIS**

Oswaldo is an 18-year-old Hispanic male attending Hyde Leadership Charter School. He joined the Youth Justice Board because he saw a place in which he could make a difference in both his community and his city. The idea of being a part of a group of teenagers who are just as interested in social justice and policy change also intrigued him—"We find problems, we learn, we make change, and all while we eat Pringles and make one another laugh." What he enjoys most about being in YJB is meeting different people, both on the Board and in other organizations the Board is connected with. He has also learned so much from the facilitators that he would have never learned in a classroom. One achievement that he is



Board members collaborate with Center staff in a speed campaign planning activity.



proud of is creating a Senior Peer Mentorship program in his high school. His passions are politics and video games—a weird combination, but they are two things he enjoys both doing and learning about. Next year, he will use the skills and inspiration for change acquired in the Youth Justice Board to become a leader on his campus. He wants to shake up his college campus and the surrounding area. He will also continue to do his best in college and to grow into the man he aspires to be.

**STAFF:**

**DEE MANDIYAN**

**THEY/THEM**

**PROGRAM MANAGER**

Dee has been with the Center for Court Innovation since January 2018 in the primary role of Program Manager for the Youth Justice Board. They joined the Center specifically to work on the YJB program, viewing it as a rare chance to work in alignment with their values and ethics. Their favorite part of their job is getting verbally burned by the very teenagers who are supposed to look up (or, in their case, down) to them. Working with the Board has strengthened Dee's facilitation and teaching skills, and has reminded them that their role as an adult is to remove obstacles from young leaders' paths.

Before joining the Center, Dee's professional experiences included running an LGBTQ student center, convention planning, and researching the impacts of gender-based interventions on justice system involvement for juveniles. They served as a Thought Leader for Shades, an affinity group for queer and trans students of color at New York University, and were recognized for their leadership in 2016 with a university-wide Presidential Service Award.

Dee is a recognized writer and performer; they served as the lead director of YKR, a

New York City-based performance project for gender-oppressed South Asians & Indo-Caribbeans, from 2017-2018, and have moved into a core leadership role for the YKR Collective. They won an Academy of American Poets Award in 2010 and was one of the 10 poets featured in the 2010 Five College Poetry Fest.

Dee holds a Master's degree in Applied Psychology from New York University, and a B.A. from Amherst College. Born in the Pahsæk region of Lenapehoking, they now live in Canarsie territory with two excellent cat companions.

**JENNELLE RAMDEEN**

**SHE/THEY**

**PROGRAM ASSOCIATE**

Jennelle found her passion for social-justice-centered youth work soon after earning her B.A. in Psychology and Social Justice from Rutgers University. Jennelle fell in love with her first group of young revolutionaries at Sadie Nash Leadership Project. Prior to working with the Youth Justice Board, they also worked as a research assistant for the Center for Court Innovation and co-founded a community organization and collective which operated at the intersection of Black joy and sharing plant-based meals.



Board members strategize their approach for visual presentation materials.

With a background in identity-based social justice curriculum development, Jennelle was excited to explore policy and research as activist tools with the Youth Justice Board. Jennelle is so happy to have built community with the Board and to have held space for their inspired and radical ideas for the future. She has grown in her planning and organizational skills, working with the Board to ensure members have what they need to do the impactful and rigorous work they do. Outside of the Youth Justice Board, she is dedicated to justice work that centers the joy and healing of Queer and Trans People of Color. Jennelle is proud of her work as a Reiki practitioner and the ways she shows up for the physical, emotional, and spiritual wellbeing of her community and herself. Jennelle also loves to travel throughout the African diaspora, and nerd out at museums and historical sites.

#### **TATIANA SCANTLEBURY**

#### **SHE/HER**

#### **PUBLIC ALLY**

Tatiana is the Youth Justice Board Public Ally at the Center for Court Innovation. As an AmeriCorps member of the Public Allies New York program, her passion is for implementing change in her society and creating a humane justice system. Following these passions afforded her the opportunity to work with the Youth Justice Board. She earned her B.A. in Criminal Justice from Delaware State University and is currently pursuing an M.A. degree in Human Rights at John Jay College of Criminal Justice. Tatiana enjoys having the opportunity to work with young people who are advocating for change and growing individually as leaders. As Tatiana continues to work with the Youth Justice Board on studying the digital safety of young New Yorkers, she has developed and strengthened her facilitation and leadership skills. She has been able to develop herself as a source of guidance and establish a healthy rapport with the young people. Before being placed with YJB,

Tatiana accomplished one of her many goals of landing an internship with the Office of Congressman Eliot Engel, where she learned about immigration issues and the path to citizenship. Tatiana enjoys listening to soca, traveling, trying ethnic foods, ice skating, yoga, and attending international human rights related events.

# Appendix: Research Design

## TRAINING

Prior to conducting their fieldwork, the Youth Justice Board members learned about social media, digital surveillance, and youth disciplinary systems in school and the criminal justice system. They also learned the fundamentals of anti-oppression work and how power and privilege impact New York City youth. In addition, the members received training in skills such as interviewing, teamwork, and focus group facilitation.

## INTERVIEWS

The Youth Justice Board met with a range of New York City stakeholders and community leaders. Members, working in small groups, conducted interviews with 23 participants:

### **Brennan Center for Justice**

- Rachel Levinson-Waldman, Senior Counsel, Liberty and National Security Program

### **Bronx Defenders**

- Wesley Caines, MPS Reentry & Community Outreach Coordinator

### **Office of the Bronx District Attorney**

- Kerry Chicon, Chief, Strategic Enforcement & Intergovernmental Relations Division

### **Center for Court Innovation**

- James Brodick, Director, Community Development and Crime Prevention
- Danielle Pugh-Markie, MPA, Director of Judicial Education and Leadership
- Krystal Rodriguez, Esq., Deputy Director of Jail Reform

- Kellsie Sayers, Esq., LMSW, Supervising Coordinator, Restorative Justice in Schools Project

### **Columbia University School of Social Work**

- Courtney D. Cogburn, PhD, Assistant Professor
- Desmond Upton Patton, PhD, MSW, Founding Director, SAFElab; Associate Professor of Social Work, Sociology

### **CryptoHarlem**

- Matt Mitchell, Founder

### **Legal Aid Society**

- Anthony Posada, Esq., Supervising Attorney, Community Justice Unit

### **Midtown Community Court**

- Sherene Crawford, Esq., Director

### **New York City Council**

- Antonio Reynoso, New York City Council Member, 34th District

### **New York City Department of Education**

- Serge St. Leger, Jr., Senior Program Manager for Student Safety Supports, Office of Safety & Youth Development

### **New York City Law Department**

- Bertina Capuano, Esq., Bronx Borough Chief, Office of the Corporation Counsel, Family Court Division

### **New York Police Department**

- Chief Ruben Beltran, Assistant Chief, School Safety Division
- Ramon F. Garcia, Assistant Commissioner, School Safety Division
- Chief Louise Johnson, Director, Patrol Operations, School Safety Division
- Kevin O'Connor, Assistant Commissioner, Social Media Analytics, Social Media

#### Analysis & Research Team

- Chief Charles Rubin, Executive Officer, School Safety Division
- Captain Lavonda Wise, Counter Terrorism Coordinator, School Safety Division

#### **Red Hook Community Justice Center**

- Hon. Alex M. Calabrese, Presiding Judge
- Edna McGoldrick, Principal Court Attorney, Red Hook Community Justice Center

#### **FOCUS GROUPS**

The Youth Justice Board designed, recruited for, and facilitated two focus groups for young people who have personally experienced systemic consequences because of their social media posts. Twelve young people, ages 14 to 21, participated.

#### **SYNTHESIS AND ANALYSIS**

After each interview, site visit, and focus group, members identified key information learned. They then added that information to a physical research map, through which information was organized by theme and source. Members then discussed how each new piece of information fit into the larger context of digital safety and its intersections with youth disciplinary systems. As their body of knowledge grew, members reviewed common challenges and recurrent issues and themes. The Board then prioritized areas where they, as young people, could contribute meaningful insights and ideas, eventually developing recommendations to address these issues. Staff at the Center

for Court Innovation advised the Board on which ideas were strongest and would be most consistent with their goals. The recommendations presented in this report are the Board's final product for the 2018-2019 year.

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