

Rochester's new Person in Crisis team might have prevented 9-year-old's pepper spraying



The Rochester police confronting protesters in September 2020. | Adrian Kraus/AP/Shutterstock

Even though the city created a non-police unit to deal with individuals in emotional distress, they weren't on the scene.

When Rochester cops confronted a 9-year-old girl experiencing emotional distress on Friday, it would seem like an opportunity to call upon the city's new Person in Crisis team – designed specifically to provide a non-police response to people in emotional crisis. But that team wasn't dispatched, and the incident ended with the girl being handcuffed and pepper sprayed by cops.

The incident, which happened on Friday, with police body camera footage released over the weekend, has sparked outrage over what critics say was a botched response to a child

in crisis, and it has become the latest incident to suggest law enforcement is ill-equipped to respond to mental health crises. For one thing, a trained mental health professional might have attempted to learn the girl's name at the outset, in an attempt to put her at ease, whereas the cops on the scene note 15 minutes into the 17-minute video of the interaction that they don't even know her name. "Their perspective is not related to establishing a connection or a quick rapport with someone," Cal Hedigan, chief executive officer of Community Access – a New York City-based advocacy group and mental

health services provider – said of police. “They have command-and-control tactics, not tactics related to empathy and compassion and trying to cultivate understanding about what’s going on for someone.”

This is not the first high-profile incident of the Rochester Police Department responding to an individual in mental health crisis. Last year, Daniel Prude, a Black man experiencing a mental health crisis, died from complications from asphyxia after Rochester police placed a mesh hood over his head during the arrest. After Prude’s death, Rochester promised reforms to its police department, including the creation of a mental health response team – made up of crisis intervention counselors and social workers – to dispatch to individuals in crisis instead of the police. On Friday, the team wasn’t sent to help the 9-year-old girl, because the 911 call that summoned police didn’t specifically mention that the girl was in distress. Rochester Deputy Police Chief Andre Anderson said later that the girl had said she wanted to kill herself and kill her mother. But right now, that team is only dispatched when someone calls 911 reporting that they themselves are in crisis, or by calling 211 – a number that most Rochester residents might not know to call in these situations.

“This would be an ideal example of why police should not handle – and they are not equipped to handle – people who are experiencing an emotional irregularity,” Hawk Newsome, co-founder of Black Lives Matter of Greater New York, said. “One of the key elements of what we’re pushing for is for social workers to respond in instances where there’s an emotionally disturbed person or there’s a person who needs a humanist touch to help them out of a particular situation.”

At the beginning of the body camera video, one Rochester police officer – later joined by several others, and at least six police cars – is seen calling out to the 9-year-old girl, who is about a block away from him on a snowy residential street. The cop catches up to her, and the girl is crying and yelling “No.”

“What is going on? How can I help you?” the cop asks, appearing to hold on to her jacket, as she cries for him to get off her. “You’re not going to run away from me, okay? Because I’m going to have to chase you,” he says. “And I got like six other cars coming to chase you. Alright?” Soon after, the girl’s mother arrives and starts arguing with her. Hedigan said after watching the video that the situation appeared to be challenging for the one officer on the scene at that point, as he tried to understand why the girl was upset.

For another 15 minutes, the situation escalates as the cops struggle to calm the girl, with more cop cars arriving, the girl crying for her father, and the cops working to get her in the back of one of the cars. Eventually, officers restrain the girl by her arms, appear to push her into the snow and handcuff her. The cops then try to get her into the police car, though the girl continues to cry and sits in the backseat, but with her legs still hanging out of the car. After several minutes of the cops trying to get her all the way in the back seat – pleas included “Have a seat, dear” and “You’ve had your chance, get in the car now” – one officer tells her that she’s “acting like a child.” “I am a child, stop!” she responds.

Several more minutes pass of this back and forth, with the girl still upset and crying for her dad, before one officer tells another, “Just spray her. Just spray her at this point.” The second cop uses pepper spray on the girl, gets her all the way inside the car, and the officers close the doors of the car. “Unbelievable,” one cop says as he walks away. The girl was transferred to a hospital and released that day.

The video from the incident on Friday also points to a larger problem about how police treat Black people, Newsome said. “I don’t see police manhandling young white women,” Newsome said. “I don’t see them slamming them down in schools, I don’t see them pepper spraying young white women. In my opinion, on a large scale, police are racist and treat Black children differently than they treat white children.”

As part of Rochester's promises to reform after Prude's death, the city launched a pilot of a mental health crisis response team earlier this month – referred to as the Person in Crisis team – consisting of 14 professionals trained in de-escalation, including crisis intervention counselors and social workers. The team operates separately from the police, responding to incidents on their own. The pilot will be evaluated in June to determine what kind of permanent changes should be made in Rochester.

Despite the fact that the Person in Crisis team seems built to respond to calls like this one involving the 9-year-old girl, the team wasn't dispatched on Friday. That's because the original 911 call did not mention that the girl was distressed or in any sort of crisis. The original call was from the girl's mother, accusing the girl's father of stealing her car, a spokesperson for Warren's office said.

Hedigan said that in this case, while the original 911 call didn't mention anything about a mental health crisis, police should be able to call upon mental health teams to step in if they arrive at a scene and realize that they're dealing with an individual in crisis.

On Monday, state Sen. Samra Brouk, who represents Rochester, introduced a bill that would prohibit police from using chemical agents, including pepper spray, on children under 18. "The harrowing experience endured

by a nine-year-old girl in our community – including being handcuffed and pepper sprayed – should never happen to another child," Brouk said in a statement.

A spokesperson for the Rochester Police Department did not respond to a request for comment about the tactics used, but city officials announced on Monday that the officers involved had been suspended. At a Sunday press conference, the department's interim chief said that the girl should not have been pepper sprayed. "I'm not going to stand here and tell you that for a 9-year-old to have to be pepper sprayed is okay," Interim Police Chief Cynthia Herriott-Sullivan said. "It's not."

Rochester Mayor Lovely Warren called the video deeply troubling. "This video, as a mother, is not anything that you want to see," Warren said at that press conference. "We have to understand compassion, empathy. When you have a child that is suffering in this way and calling out for her dad – I saw my baby's face in her face." Warren has directed the police department to investigate their response.