



SCHUBERT CENTER  
FOR CHILD STUDIES

TO: Judge Oliver, Northern District of Ohio  
Monitoring Team Interim Director Bell-Hardaway  
First Assistant US Attorney Baeppler, Northern District of Ohio

Cc: Chief Drummond, Cleveland Division of Police (CDP)  
Cuyahoga County ADMHAS Board Director Osiecki

FROM: Gabriella Celeste, Policy Director, Schubert Center for Child Studies, CWRU, Mental Health Response Advisory Committee (MHRAC) Quality Improvement (QI) Subcommittee Member

DATE: 12/22/22 via Electronic Mail

RE: **Response to “Monitoring Team Review of CIT Cases Involving Handcuffing of Female Juveniles Results” dated 12/20/22** (hereinafter “Handcuffing Girls in Crisis Review”)

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This Response to the Monitoring Team’s Handcuffing Girls in Crisis Review<sup>1</sup> is submitted for your consideration given the significant concerns our Center has repeatedly raised about the CDP’s practice of using restraints on children and youth in crisis, particularly Black girls. The following presents: (1) a brief overview of the context for how this issue came to the attention of our Center and the Mental Health Response Advisory Committee (MHRAC) Quality Improvement (QI) Subcommittee and the actions sought to address our concerns, and (2) key issues and questions raised by the Handcuffing Girls in Crisis Review. This Response is presented with the understanding that bias-free policing and responding to people in crisis are integral to the Consent Decree and ongoing success of police reform efforts. As such, a meaningful response to the combined concern we raised about police interactions and treatment of children and youth in crisis, particularly Black youth and in this instance Black girls, is requested. This is especially critical in a city “ranked the worst city in America for Black women” resulting in our Mayor creating a [Black Women & Girls Commission](#).

#### I. Context for the Handcuffing Girls in Crisis Review

When the Consent Decree created the MHRAC, our Center was among those originally invited by the then-ADAMHS Board Director (Chief Denihan) to join the MHRAC with the explicit recognition that as a

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<sup>1</sup> The review uses terminology that we urge be changed to better reflect the developmental status of childhood and which is consistent with how the MHRAC and CDP (in its youth-related policies) refers to minors; specifically, replacing “juveniles” with “child” and/or “youth” and using “girls” instead of “females”.

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Center dedicated to child well-being<sup>2</sup>, we would help to represent the concerns and interests of children and young people impacted by the police reform effort in our community. Judge Holly Gallagher and I co-chaired the MHRAC Policy Sub-Committee; after this extensive work in developing and drafting a revised set of Crisis Intervention Team (CIT) policies was completed (which were eventually adopted and included a new section on handling youth in crisis), the Policy Sub-Committee was reorganized into the MHRAC QI Sub-Committee.

The primary purpose of the QI Sub-Committee was to ensure the effective implementation of these new policies. As a regular member, this work included developing protocols for the internal review and monitoring of the implementation of the CIT policy and practices, identifying what was working and where course corrections may be needed, troubleshooting with providers and community members about challenges and so forth. This engagement was collaborative with CDP, the Monitoring Team and the research partners and included regular, extensive reviewing and analyzing of CIT call data.

During a QI Sub-Committee meeting in 2021 (I believe early summer) under then CIT-Coordinator Captain McPike, CIT call data presented by the CWRU research team raised questions about the use of restraints among youth and what appeared to be a disproportionate use among Black youth. In discussing this with Captain McPike, he agreed with our request for a deeper dive on the youth data by the CWRU research team. Subsequently, the CWRU research team presented a more in-depth review of youth CIT call data aggregated by race and gender, call type, etc. which revealed a stark contrast in the use of handcuffs among Black girls, compared to White girls and even boys. This contrast raised serious concerns among the committee members, including Captain McPike and the Monitoring Team members, about potential implicit racial bias in police interactions. As a result, we urged a more in-depth review of the crisis calls involving youth to better understand what appeared to be the overuse of restraints with Black girls. This was around June 2021; it would take nearly a year before this review would really get underway, and a full 1 ½ years from the original data review before the report was issued by Dr. Dunn's team. We were very encouraged to learn Dr. Dunn would be part of this effort given his expertise in policing and potential race bias. However, despite our requests, community members on the QI Sub-Committee were not permitted to participate in the study design, data discussion or any other aspect of the review until the final "draft" report was presented this week.

## II. Issues & Questions about the Handcuffing Girls in Crisis Review

This is a non-exhaustive list of just three of the more significant concerns and questions raised by the Handcuffing Girls in Crisis Review.

1. The methodology was flawed from the start, which undermines the overall utility of the effort. Nevertheless, the Handcuffing Girls in Crisis Review states at the outset that "the methodology used in this audit was reviewed and agreed to by the Parties to the Consent Decree." The flaw in the study methods was brought to the attention of the QI committee members, including the CDP, Monitoring Team and others, when it was initially described in general terms to us during a QI meeting in the spring of 2022 after we requested an update on the process. We urged the

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<sup>2</sup> The Schubert Center for Child Studies bridges research, practice, policy and education for the well-being of children and adolescents. As Policy Director my career has been dedicated to improving opportunities for children and young people.

review team at that time to expand its review to ensure a more representative sample by including CIT calls from all youth, or minimally all girls during the same time period, which would allow for a more accurate comparison to White girls. We felt only reviewing the cases where handcuffs were used on girls would also be too narrow in that it would not allow the reviewers to assess how police determine whether or not to deploy the use of restraints and differences based on race, gender, or the intersection of both race and gender. This intersectionality was of particular concern given that only 1 of the 33 handcuffing cases reviewed involved a White girl (30 were Black girls and 2 were Hispanic girls). This lack of a broad sample was acknowledged by the review team:

*“The negligible number of cases involving white juvenile females, and the fact that the sample was selected according to the outcome (i.e., handcuffing) rather than precipitating circumstances (e.g., all crisis-related calls involving juvenile females), **limits the ability to draw conclusive findings from any observed racialized patterns**, but may still provide some insight into these encounters.” (p.2, bold emphasis added)*

2. Relevant background CIT data was not included to provide any meaningful context for understanding the limited review of the handcuffing data. This includes, but is not limited to, data such as the total number of CIT calls involving youth during the same time period, data aggregated by date of birth (to examine response to children by age) in addition to race and gender, reasons for CIT calls, percentage of calls involving CIT trained officers, etcetera.
3. The data review questionnaire used by the review team was not included in the report the QI Sub-Committee received<sup>3</sup> but it was clear that there were significant discrepancies in the assessments and coding, which undermines the reliability of the findings. As the Review noted: “The design of this review as a perception study resulted in a considerable degree of variability within the data, even between paired cases.”<sup>4</sup> (p. 4) It is further unclear how reviewers made a number of significant determinations, such as for example (as noted at p.4-5):
  - a. The severity of the observed behavior at issue
  - b. The risk of harm to the individual, to others
  - c. Evidence of some type of bias involved in the incident

As a result, the determination of “objective reasonableness of use of handcuffs” is really a very subjective determination, especially given no comparison group in which handcuffs were not used (with possibly similar or even more severe behaviors). The lack of a standardized instrument or otherwise more uniform methodology design also undermines the finding of “necessity of handcuffing” (p.5). For example, while the police incident reports themselves only “articulated an objectively reasonable officer-safety reason to support cuffing” in 28.8% of the reviews, “more than half of the reviewers (51.5%) cited ‘other’ relative to the actions of the

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<sup>3</sup> A request for a copy of this questionnaire has been sent to the CDP and Monitoring Team.

<sup>4</sup> This statement appears to indicate that two coders had different scoring on the same video in some instances; as such, the way the data is coded is not reliable. Simply including all reviewer codes separately for analyses does not resolve this. Generally, in research once one identifies what you’re coding for, coders should be trained to meet reliability on that criteria and then the dataset should be checked to make sure it is being coded consistently to ensure reliability. Basically, if two coders are interpreting the behavior differently that coding definition is not reliable.

subject necessitating the use of handcuffs” (apart from other reasons already listed: subject being armed, combative or officer having probable cause for arrest) (p.5). This finding begs the question, “based on what? What makes using handcuffs on children in crisis a necessity?” (p. 9) Moreover, how were these questions selected to assess appropriateness of handcuffing children in crisis versus other factors, such as whether sufficient de-escalation tactics were deployed? Indeed, without have more detail, the review appears to justify police actions unnecessarily.

To conclude, as noted previously, while this discussion does not reflect the entirety of our concerns or questions, we felt the nature of this matter was sufficiently important to have a timely, written response for consideration. As such, we chose to highlight some of the more pressing concerns in hopes that the key decision-makers in the Consent Decree could have a full more understanding of the review presented and why we are unsatisfied with the results. While we appreciate the time and effort given to this matter, we believe at a minimum, a public acknowledgement that this concern has not been adequately addressed is appropriate. Finally, we just learned during a presentation of the Handcuffing Girls in Crisis Review on 12-20-22, that the report would not be filed as part of the Monitoring Team’s regular reports to the Court, as this work was deemed “outside the scope” of the Consent Decree. Rather, it would be provided to the CDP for any necessary follow up. This rationale is confusing to those of us who have raised and sought review of this issue, specifically in our roles on the MHRAC and with the understanding that both racial bias and treatment of individuals, including children and youth, in crisis and with mental health needs are explicitly part of the Consent Decree. We urge that the Monitoring Team’s Handcuffing Girls in Crisis Review, and any responses by MHRAC members, be admitted into the Court record and that the Court continue to ensure adequate oversight and attention to this issue by all parties involved. Thank you for your consideration.