The New York City Council

Legislation Details (With Text)

File #:	Int 1349-2019	**Version:** A	**Name:**	Requiring the PD to implement child sensitive arrest policies.
Type:	Introduction		**Status:**	Enacted
			In control:	Committee on Public Safety
On agenda:	1/24/2019			
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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to implement child sensitive arrest policies

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Indexes: Report Required, Sunset Date Applies

Attachments: 1. Summary of Int. No. 1349-A, 2. Summary of Int. No. 1349, 3. Int. No. 1349, 4. January 24, 2019 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 1-24-19, 6. Minutes of the Stated Meeting - January 24, 2019, 7. Committee Report 2/25/19, 8. Hearing Testimony 2/25/19, 9. Hearing Testimony 2/25/19 (Con't), 10. Hearing Transcript 2/25/19, 11. Proposed Int. No. 1349-A - 8/15/19, 12. August 14, 2019 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 8-14-19, 14. Minutes of the Stated Meeting - August 14, 2019, 15. Committee Report 8/14/19, 16. Hearing Transcript 8/14/19, 17. Int. No. 1349-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 166

Date	Ver.	Action By	Action	Result
1/24/2019	*	City Council	Introduced by Council	
1/24/2019	*	City Council	Referred to Comm by Council	
2/25/2019	*	Committee on Public Safety	Hearing Held by Committee	
2/25/2019	*	Committee on Public Safety	Laid Over by Committee	
2/25/2019	*	Committee on Justice System	Hearing Held by Committee	
2/25/2019	*	Committee on Justice System	Laid Over by Committee	
8/14/2019	*	Committee on Public Safety	Amendment Proposed by Comm	
8/14/2019	*	Committee on Public Safety	Amended by Committee	
8/14/2019	A	Committee on Public Safety	Approved by Committee	Pass
8/14/2019	*	Committee on Public Safety	Hearing Held by Committee	
8/14/2019	A	City Council	Approved by Council	Pass
8/14/2019	A	City Council	Sent to Mayor by Council	
9/14/2019	A	Administration	City Charter Rule Adopted	
9/16/2019	A	City Council	Returned Unsigned by Mayor	

Int. No. 1349-A

By Council Members Dromm, Cumbo, Richards, Rosenthal, Gibson, Rivera, Levin, Chin, Rose, Constantinides, Adams and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to implement child sensitive arrest policies

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§14-181 Child sensitive arrest policies.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Caregiver. The term "caregiver" means any individual responsible for the well-being of a child, including but not limited to a parent, legal guardian, relative, or other individual supervising a child.

Displaying. The term "displaying" means removing from a holster or utility belt.

Partner organization. The term "partner organization" means an agency or non-profit organization with the capacity to safeguard a child from potential trauma and minimize the effects of trauma to a child of an incarcerated parent.

Trauma. The term "trauma" means an experience that results from an event, series of events, or set of circumstances that are physically or emotionally harmful or threatening to an individual and that has lasting adverse effects on such individual's functioning and physical, mental, social, emotional, or spiritual well-being.

b. The department shall develop guidance for its officers with respect to the arrest of a caregiver in the presence of such caregiver's child and post such guidance on the department's website. Such guidance shall be designed to reduce the traumatic impact that the arrest of a caregiver may have on a child, and include the following:

1. Promptly ascertaining whether a child is present, relying on all available information including any information received from emergency call operators and any indications at the scene of arrest that a child may be present.

2. Only displaying firearms and other weapons within the sight of a child when necessary and consistent with departmental policy and officer safety.

3. Handcuffing and questioning an arrested caregiver in a location outside the presence of the sight and hearing of a child of such caregiver.

4. Reasonably avoiding the use of force to physically separate a child from the arrested caregiver.

5. Providing an arrested caregiver the opportunity to speak with a child who is present, prior to such caregiver being transported to a police facility. If such an opportunity is not practicable, having a police officer explain to such child, using age appropriate language, that that such child did nothing wrong and that the child will be safe and cared for.

6. Providing objects that provide comfort to the child of an arrested caregiver, such as toys, clothing, blankets, photographs, or food.

7. Ascertaining any medical, behavioral, or psychological conditions or required treatments of the child of an arrested caregiver and securing any required medication for such child.

8. Permitting an arrested caregiver a reasonable opportunity, including providing access to telephone numbers stored in a mobile telephone or other location, to make alternate arrangements for the care of a child, including a child who is not present at the scene of the arrest, and to provide the department or a partner organization with contact information of a preferred alternate caregiver.

9. When an alternate caregiver is unable to arrive at the scene of arrest within a reasonable amount of time, making a referral to a partner organization or bringing the child to the borough's child advocacy center. If no alternate caregiver is identified or the identified caregiver does not arrive in a reasonable amount of time, or if the child advocacy center or partner organization is unavailable, notifying the New York state central register of the office of children and family services and notifying the administration for children's services borough field office or the administration for children's services' emergency children's services program or its equivalent.

10. Not notifying the administration for children's services and the state central register of the office of children and family services unless required by law.

11. After arrest and prior to arraignment in a criminal court, affording arrested caregivers adequate opportunities to make phone calls to check on the status and well-being of a child.

12. After an arrest and prior to arraignment in a criminal court, offering to make a referral to a partner organization that could provide appropriate services to the child and, with the caregiver's consent, making such referral.

c. Training. The department shall ensure that police officers whose duties include routine daily interaction with the public receive training in accordance with subdivision b of this section within one year of the date this law takes effect. Such training shall be developed with input from an outside entity with expertise in child and youth development.

d. Reporting. Within 30 days of January 1, 2020, January 1, 2021, and January 1, 2022, the department shall submit to the speaker of the council and post on its website a report on the number of instances requiring a referral to a partner organization or transportation of the child to a child advocacy center pursuant to paragraph 9 of subdivision b of this section.

§ 2. This local law takes effect six months after it becomes law, except that the provisions of paragraph 12 of subdivision b of section 14-181 of the administrative code of the city of New York, as added by this local law, take effect 18 months after this local law becomes law.

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