



Legislation Text

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Int. No. 2439-A

By Council Members Rosenthal, Brooks-Powers, Ayala, Kallos, Louis and Rose

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to police department domestic violence, sexual crimes, and human trafficking training, review, and reporting; and the mayor's office to end domestic and gender based violence fatality review and advisory committees

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-192 to read as follows:

§ 14-192 Domestic violence, sexual crimes, and human trafficking training. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Domestic violence. The term "domestic violence" means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.

Family offense. The term "family offense" shall mean an act or threat of an act as defined in section 530.11 of the criminal procedure law.

Human trafficking. The term "human trafficking" shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

Sexual crimes. The term "sexual crimes" means any offense in article 130 of the penal law.

b. Training requirement.

1. The department shall develop, and implement by September 30, 2022, a victim-centered, trauma-informed questioning training program designed to develop skills for the response to and investigation of

incidents involving domestic violence, sexual crimes, or human trafficking. The training program shall include but not be limited to the following components: the dynamics of domestic violence, sexual assault, and human trafficking, including abuser tactics of power and control; danger and lethality factors in domestic violence, sexual assault, and human trafficking cases; the criminal law provisions of the Family Protection Domestic Violence Intervention Act of 1994, codified in chapter 222 of the laws of 1994; how to determine the primary aggressor in a domestic violence incident; the family offenses; the offense of endangering the welfare of a child; the offenses of assault in the first degree, manslaughter in the first and second degrees, criminally negligent homicide, and murder in the second degree, together with the defense of justification and the role of trauma in victims' acts of self-defense; the importance of avoiding expressions of skepticism, victim-blaming, and minimizing of the offense in early communications with victims; how to recognize signs of drug-facilitated sexual assault and preserve crucial evidence thereof; the overlap among domestic violence, sexual assault and human trafficking; victim-centered, trauma-informed questioning in domestic violence, sexual assault, human trafficking, and related cases; the effects of trauma on victims; techniques of trauma-informed policing; the resources available to victims of domestic violence, sexual assault, and human trafficking, including shelter and nonresidential services, locating hospital-based sexual assault forensic exams, and domestic violence, sexual assault, and human trafficking emergency resources; and any other training deemed relevant by the commissioner, except that the commissioner may eliminate a training component or replace a training component with an alternative component in order to provide a comprehensive victim-centered, trauma-informed questioning training program.

2. There shall be an interdisciplinary and interagency committee that shall meet no later than May 1, 2022, and twice a year thereafter. The committee shall make recommendations to the department with respect to the training program required by this subdivision. Each member of the committee will use their insights from interactions with programs and survivors of domestic violence, sexual crimes, and human trafficking to help evaluate whether previous trainings accomplished the goals of the trainings. Such committee shall consist of:

(i) the director of the mayor's office to end domestic and gender-based violence or the director's designee;

(ii) the director of the mayor's office of criminal justice or the director's designee;

(iii) officers or employees of the department, designated by the commissioner, with relevant experience or expertise, including officers or employees with expertise in domestic violence, sexual crimes, and human trafficking;

(iv) two representatives of two domestic violence service providers, including at least one provider that serves immigrant communities, as appointed by the mayor;

(v) two representatives of two sexual assault service providers, as appointed by the mayor; and

(vi) two representatives of two human trafficking service providers, as appointed by the mayor;

(vii) two survivors of gender-based violence, as appointed by the mayor; and

(viii) one or more representatives from the offices of the city's district attorneys invited by the department.

3. New recruits. All new department recruits shall receive at least three hours of training related to domestic violence, sexual crimes, and human trafficking.

4. Ongoing training. All uniformed members of the department whose responsibilities include routinely interacting with victims of crime, shall receive training on incidents involving domestic violence, sexual crimes, or human trafficking, on a biennial basis.

c. Reporting. Beginning February 1, 2023, and no later than each February 1 thereafter, the department shall report the following information concerning domestic violence, sexual crimes, or human trafficking training for the previous calendar year: the number of police officers trained and the curriculum used for each training session. The report shall be disaggregated by the number of officers who received recruit training and the number of officers that received ongoing training in the prior calendar year. Such report shall be posted on the department's website and submitted to the mayor, the speaker of the council, and the members of the

committee formed pursuant to subdivision b of this section.

§ 2. Paragraphs 2, 3, and 5 of subdivision d of section 19 of the New York city charter, as added by local law number 61 for the year 2005, are amended to read as follows:

2. There shall be a domestic violence fatality review committee to examine aggregate information relating to domestic violence fatalities in the city of New York. Such committee shall develop recommendations for the consideration of the director of the office to end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private, including nonprofit, organizations that provide such services pursuant to a contract with an agency. The committee [shall be convened by the director of the office to end domestic and gender-based violence, or his or her designee, and] shall consist of the director of the office to end domestic and gender-based violence, or [his or her] their designee, the commissioner of the police department, or [his or her] their designee, the commissioner of the department of health and mental hygiene, or [his or her] their designee, the commissioner of the department of social services/human resources administration, or [his or her] their designee, the commissioner of the department of homeless services, or [his or her] their designee and the commissioner of the administration for children's services, or [his or her] their designee. The committee shall also consist of two representatives of programs that provide social or legal services to victims of domestic violence, including at least one program that serves immigrant victims; two representatives of sexual assault service providers; two representatives of human trafficking service providers; and two [individuals with personal experience with survivors of domestic violence. The director of the office to end domestic and gender-based violence, or [his or her] their designee, shall serve as chairperson of the committee. At the discretion of the director of the office to end domestic and gender-based violence, the committee may also include [a representative] representatives of any of the offices of the district attorney of any of the five boroughs and/or a representative of the New York city housing authority. Each member of the committee other than any member serving in an ex officio capacity shall be appointed by the mayor. The director of the office to end domestic and gender-based violence may also

invite representatives from other relevant agencies to participate in the committee's work, if the director determines they are necessary to accomplish the goals of the committee.

(i) The service of each member other than a member serving in an ex officio capacity shall be for a term of two years to commence ninety days after the effective date of the local law that added this subdivision. Any vacancy occurring other than by expiration of term shall be filled by the mayor in the same manner as the original position was filled. A person filling such a vacancy shall serve [for the unexpired portion of the term of the member succeeded] for a term of two years. New terms shall begin on the next day after the expiration date of the preceding term.

(ii) Members of the committee shall serve without compensation.

(iii) No person shall be ineligible for membership on the committee because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

(iv) The committee shall meet at least four times a year.

3. The committee's work shall include, but not be limited to, reviewing statistical data relating to domestic violence fatalities; analyzing aggregate information relating to domestic violence fatalities, including, non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; examining any factors indicating a high-risk of involvement in domestic violence fatalities; and developing recommendations for the director of the mayor's office to end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private, including non-profit, organizations that provide such services pursuant to a contract with an agency.

5. The committee shall submit to the mayor and to the speaker of the city council, on an annual basis, a

report including, but not limited to, the number of domestic violence fatality cases which occurred in the city of New York during the previous year; the number of domestic violence fatality cases reviewed by the committee during the previous year, if any; any non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; any factors indicating a high risk of involvement in domestic violence fatalities; and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private, including nonprofit, organizations that provide such services pursuant to a contract with an agency.

§ 3. Subdivision d of section 19 of the New York city charter is amended by adding a new paragraph 6 to read as follows:

6. The director of the office to end domestic and gender-based violence, or the director's designee, shall establish a mechanism to review certain individual case-level data on gender-based and domestic violence fatalities, identified after due consideration of the goals of the fatality review committee and to the extent such data is available. The director shall establish and chair a fatality advisory committee to conduct or assist in such review, and may further prescribe, through interagency agreements or otherwise, appropriate confidentiality and privacy protocols, consistent with applicable law, to be followed in conducting such review. The director of the office to end domestic and gender-based violence may invite representatives from relevant agencies to participate in the committee's work, if the director determines they are necessary to accomplish the goals of the committee.

§ 4. This local law takes effect in 90 days provided that before such date, the department may take actions as are necessary or appropriate to implement this local law.