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Title: A Local Law to amend the administrative code of the city of New York, in relation to the police department’s response to students in emotional crisis in public schools

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Attachments: 1. Summary of Int. No. 2188, 2. Int. No. 2188, 3. December 17, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 12-17-20, 5. Minutes of the Stated Meeting - December 17, 2020, 6. Committee Report 2/18/21, 7. Hearing Testimony 2/18/21, 8. Hearing Transcript 2/18/21

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Int. No. 2188

By Council Members Ayala, Kallos, Rosenthal, Miller, Perkins, Louis and Lander

A Local Law to amend the administrative code of the city of New York, in relation to the police department’s response to students in emotional crisis in public schools

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 14-188 to read as follows:

§14-188 Response to students in emotional crisis. a. Definitions. For the purposes of this section, the

following terms have the following meanings:

Crisis intervention team. The term “crisis intervention team” means staff trained in de-escalating

behavioral crises within schools, as created pursuant to the Department of Education Chancellor’s Regulation A -411 or any successor regulation or provision.

De-escalation techniques. The term “de-escalation techniques” means the use of verbal communication, body language, active listening, or tactics to defuse a volatile situation.

Mechanical restraints. The term “mechanical restraints” means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon or Velcro restraining devices.

Precinct officers. The term “precinct officer” means any police officer not assigned to the school safety division of the department

Serious physical injury. The term “serious physical injury” has the same meaning ascribed in section 10.00 of the penal law.

School safety personnel. The term “school safety personnel” means a school safety officer employed by the department or a police officer assigned to the school safety division of the department.

Student in emotional crisis. The term “student in emotional crisis” means a student that is displaying an emotional or behavioral reaction to the student’s surroundings or circumstances that escalates or intensifies and exceeds the student’s ability to cope and self-regulate.

b. When responding to a student in emotional crisis, school safety personnel shall:

1. intervene only at the request of on-site clinical school staff, if available, or the school’s crisis intervention team, if applicable;

2. intervene only after inquiring of school staff: (a) what interventions and de-escalation techniques the school used before contacting the school safety personnel, (b) whether the student’s parent or guardian had been contacted, and (c) whether the student’s behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis;

3. employ all possible de-escalation techniques and engage with on-site clinical staff, if available; and

4. request assistance from a precinct officer only in circumstances where efforts pursuant to subparagraphs 1 - 3 of subparagraph have been unsuccessful and considering the following factors: (a) maintaining a safe learning environment for students, staff, and the community, (b) reducing the number of student arrests, (c) developing and sustaining positive relationships with students, staff, and the community, (d) the actual and developmental age of the student, and (e) the impact of precinct officer involvement on students and school climate.

c. Any precinct officer responding to a student in emotional crisis shall:

1. intervene only at the request of on-site clinical school staff, if available, or the school's crisis intervention team, if applicable;

2. intervene only after inquiring of school staff: (a) what interventions and de-escalation techniques the school used before contacting the precinct officer, (b) whether the student's parent or guardian had been contacted, and (c) whether the student's behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis; and

3. employ all possible de-escalation techniques and engage with on-site clinical staff, if available.

d. Unless otherwise authorized by state law:

1. department personnel shall not use mechanical restraints on a student in emotional crisis, unless restraints are necessary to prevent imminent serious physical injury to such child or another person, and such use of mechanical restraints is limited in duration to the extent to which such student presents a risk of causing serious physical injury to themselves or others; and

2. any determination that such student requires hospital transport for mental health evaluation shall be made by a clinically trained mental health professional.

e. Data collection. In all incident reports related to a department response to a student in emotional

crisis, school safety personnel and precinct officers shall document:

1. De-escalation techniques utilized by the school staff prior to school safety personnel or precinct officer response.

2. De-escalation techniques used by school safety personnel or precinct officer.

3. School staff who called school safety personnel or precinct officer.

4. Whether a clinically trained mental health professional was available onsite and any interventions such individual provided.

5. If the student's parent or guardian was notified prior to the department's response to a student in emotional crisis.

6. If the student's parent or guardian objected to transport of such student to the hospital.

7. Any injuries to the student or others.

f. Quality Assurance. The department shall conduct quality assurance checks to ensure that school safety personnel and precinct officers are complying with the provisions of this section and accurately completing the reporting requirements established in subdivision e of this section.

g. Training. 1. The department, in consultation with the department of education and the department of health and mental hygiene, shall develop and implement training regarding the identification of a student in emotional crisis. Such training shall be delivered annually to all school safety personnel and precinct officers who respond to schools prior to the start of each school year, include a proficiency examination or demonstration for each training component, and be developed in conjunction with outside experts. Such training shall include, but need not be limited to, the following subjects:

(a) Childhood emotional development and common manifestations of developmental disabilities and emotional crisis, including the impact of trauma and disabilities on behavior.

(b) Identifying a student that may be in need of medical care.

(c) Conflict resolution and de-escalating situations involving a student in emotional crisis.

(d) The emotional trauma inflicted by the use of mechanical restraints on minors, both to the student in emotional crisis and children bystanders.

(e) Best practices for the use of mechanical restraints on students, such as the type of such restraint and the manner of deployment.

(f) The school's de-escalation plan for students in emotional distress.

2. On October 1, 2021, and every October 1 thereafter, the department shall deliver to Council and post on its website a report detailing the substance of the training delivered pursuant to subdivision g of this section, including the outside expert utilized, the length and format of each training component. Such report shall also include the following information for the previous academic year:

(a) The number of school safety personnel and precinct officers responding to schools who received such training.

(b) The number of school safety personnel and precinct officers responding to schools that failed on their first attempt to demonstrate proficiency of the subject matter covered by the training as required by subdivision g of this section

(c) The number of school safety personnel that successfully demonstrated proficiency on the subject matter contained in the training as required by subdivision g of this section.

§ 2. This local law takes effect six months after it becomes law.

JDK/AS
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12/8/2020