

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 161

Introduced by Council Members Adams, Levin, Rosenthal, Lander, Richards, the Public Advocate (Mr. Williams), Salamanca, Lancman, Reynoso, Moya, King, Cabrera, Gibson, Chin, Kallos, Constantinides, Ayala, Cohen, Ampry-Samuel, Rose, Rivera and Barron.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting on arrests, summonses, removals, escorts and use of force incidents occurring in department of social services/human resources administration job centers and SNAP centers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142.1 to read as follows:

§ 21-142.1 Arrests, summonses, removals, escorts and use of force incidents in a job center or SNAP center. a. As used in this section, the following terms have the following meanings:

Basis for encounter. The term "basis for encounter" means the conduct, offense or reason that formed the basis for the initial approach by a peace officer or security guard that led to an arrest, summons, removal, escort or use of force incident.

Escort. The term "escort" means the accompaniment of an individual by a peace officer or security guard out of a job center or SNAP center following a request that such individual exit the job center or SNAP center.

Injury. The term "injury" means any physical harm an individual sustains as a result of a use of force incident, and consists of the following categories: (i) physical injury, such as minor

swelling, a contusion, laceration, abrasion or complaint of substantial contracted pain; (ii) substantial physical injury, such as a significant contusion or laceration that requires sutures or any injury that appears to require treatment at a hospital emergency room; and (iii) serious physical injury, such as a broken or fractured bone, heart attack, stroke or any injury that appears to require hospital admission.

Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.

Peace officer. The term “peace officer” means an individual who is designated as a peace officer pursuant to section 2.10 of the criminal procedure law and works for the department and is charged with promoting security within a job center or SNAP center.

Removal. The term “removal” means the taking into custody of an individual in a job center or SNAP center by a peace officer pursuant to section 9.41 of the mental hygiene law.

Security guard. The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law authorizing such individual to perform security services in New York, who is employed by an entity with which the department contracts to promote security within job centers and SNAP centers.

SNAP center. The term “SNAP center” means any location designated by the department as a SNAP center where individuals can complete an application for the supplemental nutrition assistance program in person.

Use of force incident. The term “use of force incident” means any instance where a peace officer or security guard responds to an incident or condition at a job center or SNAP center and takes action in a manner intended to have an immediate effect on the body of another person, and

consists of the following categories: (i) the use of hand strikes, foot strikes, forcible take-downs or the wrestling of the subject to the ground; (ii) the discharge of oleoresin capsicum spray; (iii) the deployment of a conducted electrical weapon; (iv) the use of a mesh restraining blanket to secure an individual; (v) the intentional striking of a person with any object, including a baton or other equipment; (vi) a police canine bite; and (vii) the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm.

b. No later than January 31, 2020, and no later than 30 days after the end of each calendar quarter thereafter, the department shall post on its website and submit to the speaker of the council an aggregate report on arrests, summonses, removals, escorts and use of force incidents in job centers and SNAP centers for the preceding quarter. Reports required pursuant to this section shall not contain personally identifiable information. Such reports shall include:

1. The total number of arrests by a peace officer, disaggregated by:

(a) The job center or SNAP center where the arrest occurred;

(b) The offense charged; and

(c) Whether the arrestee was issued a desk appearance ticket or was the subject of a live arrest;

2. The following information for each summons issued by a peace officer:

(a) The date the summons was issued;

(b) The job center or SNAP center where the summons was issued;

(c) The offense; and

(d) Whether the summons was civil or criminal;

3. The following information for each removal:

(a) The date the removal occurred;

(b) The job center or SNAP center where the removal occurred; and

(c) The basis for the encounter;

4. The following information for each use of force incident:

(a) The date the use of force incident occurred;

(b) The job center or SNAP center where the use of force incident occurred;

(c) The category of the use of force incident;

(d) The number and category of injuries to a peace officer or security guard;

(e) The number and category of injuries to any other individual;

(f) The basis for the encounter; and

(g) Whether or not an arrest was made;

5. The total number of times the department called the police department for assistance at a job center or SNAP center, disaggregated by:

(a) Whether a department employee witnessed an arrest being made; and

(b) Whether a department employee witnessed a police officer displaying a firearm, oleoresin capsicum spray, conducted electrical weapon, baton, or any other weapon; and

6. The total number of escorts, disaggregated by:

(a) The job center or SNAP center where the escort occurred; and

(b) The basis for the encounter.

c. The reports produced pursuant to subdivision b of this section shall be stored permanently and shall be accessible on the department's website.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 14, 2019 and returned unsigned by the Mayor on September 16, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 161 of 2019, Council Int. No. 1333-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.