

# Safeguarding Children at the Time of Arrest

February 1, 2019

Dear Mayor de Blasio,

We, a diverse group of human service providers, faith-based leaders, and advocates call on the leadership of New York City to immediately adopt a city-wide policy to safeguard children at the time of a parent's arrest and provide **all** arresting officers with substantive training to minimize trauma to children who are present during an arrest. NYC has a clearly articulated protocol in place when the parent is being arrested for harm to the child;<sup>1</sup> we call on NYC to have an equally detailed and comprehensive protocol when parents are arrested for non-child-related reasons.

It is clear from the incident on December 7, 2018, when responding officers forcibly ripped Jazmine Headley's infant son from her arms at a Brooklyn Human Resources Administration (HRA) building, that the officers were not equipped with the sensitivity and skills necessary to consider the needs and safety of Ms. Headley's son. Contrary to the response of the NYC Patrolmen's Benevolent Association President Patrick J. Lynch who stated, "The immediate rush to condemn these officers leaves their fellow cops wondering: when confronted with a similar impossible scenario, what do you want us to do?," there is a lot that the officers could have done differently (not to mention that this was hardly an "impossible scenario"). There are concrete steps to put into place immediately to ensure this never happens again. Children's well-being depends on these next steps, and officers' safety and welfare are maximized by implementing these steps as well.

The NYPD, HRA, and all city agencies and contracted entities with the power to conduct arrests can implement a comprehensive policy to safeguard children of arrested parents and begin training **all** officers immediately on child-sensitive arrest protocols. Existing resources and training curricula exist. For example, the International Association of the Chiefs of Police (IACP) model policy for "Safeguarding Children of Arrested Parents" published in 2014 outlines a detailed law enforcement protocol to safeguard children, and an implementation guide and training tools are available on the IACP website. Curricula on child-sensitive arrest practices should also be included in The New York Police Academy Basic Training curricula. As of 2016, all law enforcement officers in New York State, **except for the NYPD and the New York State Police**, receive training on how to safeguard children at the scene of arrest as part of the NYS Office of Public Safety's Basic Training.

Child-sensitive arrest protocols should minimally include the following whenever possible and appropriate:

- arresting the parent out of the child's sight;
- not handcuffing the parent in front of the child or using a siren;

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<sup>1</sup> Instant Response Teams respond to cases involving severe abuse and/or maltreatment of a child and consist of personnel from ACS, NYPD, and the county District Attorney's office who work together to minimize trauma to children.

- allowing the parent access to their cell phone and extra phone calls to arrange care for the child;
- allowing the parent to comfort and explain to the child what is happening.

Arresting officers should ask all arrested individuals whether they are responsible for someone in need of alternative caregiving arrangements so that no child or vulnerable adult is left unattended and at risk. Written protocols should cover all arrest scenarios, including warrants that should be executed when children are least likely to be in the home. Monitoring implementation is critical to ensure that officers are following the protocol and to identify additional training needs. Law enforcement agencies should collect and report on data including how many children are present at the time of an arrest so that NYC can ensure supportive services are available to children.

It is critical to recognize and safeguard the thousands of children who experience the arrest of a parent every year in New York City. We know from data aggregated by the New York City Criminal Justice Agency that **at least 35,581 children lived with a parent who was arrested in 2017**. While we don't know how many children witnessed the arrest (this data remains unavailable), it is safe to say that far too many children experience this trauma.

We call on you and the leadership of our City to take these immediate steps to safeguard children.

Sincerely,

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| 1. Bronx Clergy Criminal Justice Roundtable            | 21. Hindu Temple Society of North America                    |
| 2. Bronx Christian Fellowship                          | 22. JCCA   |
| 3. CASES   | 23. Lawyers for Children                                     |
| 4. Center for Community Alternatives                   | 24. Legal Action Center                                      |
| 5. Center for Family Representation                    | 25. Mott Haven Reformed Church                               |
| 6. Child Center of NY, Queens                          | 26. Mount Vernon Heights Congregational Church               |
| 7. Children of Promise NYC                             | 27. New Hope Christian Fellowship Brooklyn                   |
| 8. Children's Defense Fund, New York                   | 28. New York Board of Rabbis                                 |
| 9. Children's Haven                                    | 29. New York Initiative for Children of Incarcerated Parents |
| 10. Citizens Committee for Children                    | 30. New York Zero to Three Network                           |
| 11. Community Connections for Youth                    | 31. Not on My Watch! Safe Haven Network                      |
| 12. Community Service Society                          | 32. NYS Council of Churches                                  |
| 13. Concerned Clergy for Choice                        | 33. NYU Family Defense Clinic                                |
| 14. EAC Network  | 34. Office of the Appellate Defender                         |
| 15. Empire State Progressives                          | 35. Sills Family Foundation                                  |
| 16. Families, Fathers And Children                     | 36. St. James' Church, NYC                                   |
| 17. Fortune Society                                    | 37. The Osborne Association                                  |
| 18. Gods Battalion of Prayer, Brooklyn                 | 38. TASC of the Capital District                             |
| 19. Graham Windham                                     | 39. Youth Represent  |
| 20. Greenburger Center for Social and Criminal Justice |  |

40. We Got Us Now  
41. Women & Justice Project

42. Women's Prison Association

Cc:

Speaker Corey Johnson, New York City Council

Commissioner James O'Neill, New York City Police Department

Commissioner Steve Banks, Human Resources Administration

Liz Glazer, Director of the Mayor's Office of Criminal Justice

Councilmember Stephen Levin, Chair, Committee on General Welfare, City Council

Councilmember Donovan Richards, Chair, Committee on Public Safety, City Council