



Memo of Support for Legislation Enacting a Prohibition Against the Use of Chemical Agents by Police Against Children *S4002 (Brouk)*

In light of the recent incident in Rochester where a 9-year-old girl experienced a mental health crisis and was physically restrained and pepper sprayed by police, we are confronted by the failure of our response to children in mental health crisis and the criminalization of Black children in New York. This young girl and her family were in a moment of crisis, and rather than receive the support they needed, they were further traumatized by a police response that escalated their distress through the use of chemical agents and physical restraints against a child. The Children's Defense Fund - New York (CDF) writes in support of *S4002 (Brouk)*, which is a necessary reform that would protect children from being subject to pepper spray by police.

CDF brings a unique approach to improving conditions for children, combining research, public education, policy development, community organizing, and advocacy. A recognized authority in the endeavor to protect children and strengthen families, CDF serves as a resource and partner for children, families, and organizations throughout New York State. We leverage our national influence to eliminate race and gender inequities in the areas of early childhood, education, health, housing, child welfare and youth justice.

This bill would prohibit the use of chemical agents like pepper spray and tear gas by police officers against children. We believe the legislation would be strengthened by an amendment that would also limit the use of mechanical restraints (such as handcuffs) on children. The rationale for the bill is clear. Not only does the use of chemical agents against children present obvious immediate risk of physical harm to children, the mental health implications of a physically traumatic encounter with law enforcement are also severe. Moreover, chemical agents like pepper spray are prohibited in all youth justice detention and placement facilities state-wide. The same rule should apply to children who come into contact with police in the community.

This bill also has a critical role to play in addressing racial equity in New York. Based on data collected about the arrest of children under age 12 in New York, police are much more likely to have contact with Black and Latinx children than their white peers. By prohibiting use of chemical agents on children, we begin to remedy this policy and protect children of color.

For more information concerning the bill, please contact: Julia L. Davis, Esq. Director of Youth Justice & Child Welfare, Children's Defense Fund-NY, jdavis@childrensdefense.org.