

March 15, 2024

To the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Strategies for Youth (SFY), a national nonprofit policy and training organization dedicated to ensuring best outcomes for youth interacting with law enforcement, is pleased to respond to the Coordinating Council's (Council) request for public input on how federal agencies might coordinate more effectively to prevent youth involvement in the justice system and meet the needs of justice-involved youth in their communities.

As explained more fully below, we believe that the federal government can advance these worthy goals by shining a light on the critical need for improvement in law enforcement interactions with youth, and by informing law enforcement agencies, states and other public entities of policies, training, and other available tools to facilitate reform.

SFY commends the Council and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for your ongoing commitment to systemic reform of the juvenile justice system. We believe strongly that effective reforms must address policing, as law enforcement officers are most often the entry point to the juvenile justice system, and encounter youth in numerous informal and formal contexts. Officers' decisions, such as whether to search, arrest, use force on, or interrogate a youth, often have long-term, profound consequences for the youth, their families, and their communities.

SFY has more than 14 years of experience in law enforcement training, policy development, research, and outreach to youth and families, and relies on staff and consultants with decades of experience in these areas. To date, our organization has worked with law enforcement agencies in 25 states. This experience is the foundation of our belief that all officers should be trained and guided by policies that require them to use developmentally appropriate, trauma-informed, equitable approaches with youth. We have recently developed a comprehensive set of policies for law enforcement interactions with youth, [12 Model Law Enforcement Policies for Youth Interaction](#), (discussed in detail at pages 7-11 below), and we encourage the Council to make stakeholders aware of these policies.

Our comments are consistent in several respects with the input the Council has already received, including testimony during your December 6, 2023 meeting from panelists Steve Anjewierden, Laura Broyles, Angela Chang, (Retired) Judge Ernestine Steward Gray, Robert Rodemeyer and Kyla Woods. We are also aligned on many of these issues with leaders in the law enforcement community, such as the Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) and the International Association of Chiefs of Police.

### **Recognizing the Neuropsychological Reality: Youth are Not Miniature Adults**

As the Supreme Court has found, youth “characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them,” and thus,

“cannot be viewed simply as miniature adults.”<sup>1</sup> But despite Supreme Court precedent<sup>2</sup> and social science research<sup>3</sup> making clear the developmental differences between youth and adults, law enforcement officers all too often act without regard for how youths’ brain development affects their behavior during encounters with law enforcement. In SFY’s experience, officers’ failure to recognize youths’ developmental differences is directly related to the failure of most law enforcement agencies to provide their officers with the knowledge and strategies to effectively and safely interact with youth. In fact, 80% of agencies with fewer than 50 officers, as well as some large urban agencies—**have no policies** to guide agency and officers’ responses to, and interactions with, youth.

Similarly, officers **rarely receive training** about youth from law enforcement academies or in-service professional development opportunities. Only four of the nation’s 47 Police Officer Standards and Training (POST) Boards or their organizational equivalents require law enforcement agencies to adopt standards or policies for interactions with youth.<sup>4</sup> Youth-related standards from the Commission on Accreditation for Law Enforcement Agencies (CALEA), last updated in 2017, offer agencies only broad guidance about interactions with youth, and do not contain any information about adolescent brain development or normative youth behavior. In 40 states’ police academies, the juvenile justice curricula provides no communication or psychological skills for officers working with children and youth. And only two states’ written curricula included training on youth development issues.<sup>5</sup> Even in the school setting, where understanding and communicating effectively with youth is especially important, as of March

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<sup>1</sup> *J.D.B. v. North Carolina*, 564 U.S. 261, 273-74 (2011)

<sup>2</sup> See *J.D.B.*, *infra*. See also *Roper v. Simmons*, 543 U.S. 551, 569 (2005) (youth are “are more vulnerable or susceptible to ... outside pressures” than adults); *Miller v. Alabama*, 567 U.S. 460 (2012) (noting “three significant gaps between juveniles and adults”: (1) youths’ “lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.”; (2) youth vulnerability to “negative influences and outside pressures,” with “limited control over their own environment”; and (3) youths’ less “well formed” character, with youth actions less likely to be “evidence of irretrievable depravity.”); *Graham v. Florida*, 560 U.S. 48 (2010) and *Montgomery v. Louisiana*, 77 U.S. 190 (2016) (making similar statements and endorsing these principles).

<sup>3</sup> See, e.g. NAT’L RSCH. COUNCIL, REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH 128-30 (Washington, DC, The National Academies Press n.d.) (2013).

<sup>4</sup> Connecticut requires each police department to have a written policy regarding the “handling and processing of juvenile matters including, but not limited to, procedures concerning the arrest, referral, diversion and detention of juveniles.” CT. Gen. Stat. § 7-294y. Massachusetts has adopted POST certification standards for school resource officers. 555 CMR 10.00. The New York State Law Enforcement Accreditation Program has adopted a standard for safeguarding children when a parent and/or guardian is arrested. N.Y. State Law Enforcement Accreditation Program Standard 44.4. The Ohio Collaborative Community Police Advisory Board has directed all law enforcement agencies throughout the state to “adopt developmentally appropriate, trauma-informed, equitable approaches when interacting with youth,” and to “establish written policies governing how officers and other agency personnel interact with all youth.” See Ohio Collaborative Community Police Advisory Board, [Developmentally Appropriate Policing & Positive Youth Interactions](https://www.ocjs.ohio.gov/static/ohiocollaborative/links/Ohio-Coll-Juvenile-Standard-Final.pdf). <https://www.ocjs.ohio.gov/static/ohiocollaborative/links/Ohio-Coll-Juvenile-Standard-Final.pdf>.

<sup>5</sup> See STRATEGIES FOR YOUTH, IF NOT NOW, WHEN? A SURVEY OF JUVENILE JUSTICE TRAINING IN AMERICA’S POLICE ACADEMIES 4, 16-32-33(2013) (identifying Connecticut and Illinois as providing training for officers on youth development). [SFY-If-Not-Now-When-Report-Feb2013.pdf \(strategiesforyouth.org\)](https://www.strategiesforyouth.org/SFY-If-Not-Now-When-Report-Feb2013.pdf). After the publication of IF NOT NOW, WHEN?, North Carolina enacted a statute requiring the state Department of Justice to “ensure that all persons who work with minority juveniles in the juvenile justice system are taught how to communicate effectively with minority juveniles and how to recognize and address the needs of those juveniles,” to be addressed in annual “minority sensitivity training.” See N.C. G.S. §114-12.1.

2022, 22 states had no legislation requiring training police deployed in schools, and only ten states required school police to receive training in de-escalation.<sup>6</sup>

This combination of officers' lack of preparation and skills to interact with youth, and youth impulsivity and immaturity, often leads to harmful, tragic and even fatal outcomes. When youth in the stress of a police encounter have difficulty thinking through the consequences of their actions and controlling their responses, an officer who does not understand why youth may behave the way they do is likely to escalate the situation and heighten the risk of violence. Officers often do not recognize that youth behavior they interpret as defiant or even dangerous may instead be the result of trauma, fear, disability, substance abuse, or limited English proficiency. Many youth of color distrust and fear the police, viewing police interactions through the prism of a lived experience of negative interactions and troubled relationships between law enforcement and communities of color, including fears of mistreatment and violence.<sup>7</sup> Officers may overestimate youths' level of sophistication during interrogations, and erroneously assume youth can competently understand and waive their rights.<sup>8</sup> Officers who receive neither training nor policies to guide them during interactions rely on their "common sense" and pre-existing biases, which may lead them to an unnecessary law enforcement response, including the wrongful characterization of normative adolescent behavior as criminal conduct.<sup>9</sup> In the school setting, negative consequences often result from officers operating without clear delineation of the scope of their responsibilities, and from officers assuming or

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<sup>6</sup> See STRATEGIES FOR YOUTH, TWO BILLION DOLLARS LATER: STATES BEGIN TO REGULATE SCHOOL RESOURCE OFFICERS IN THE NATION'S SCHOOLS, A SURVEY OF STATE LAWS 5 (2022) [SFY-Two-Billion-Dollars-Later-Report-091422-web.pdf \(strategiesforyouth.org\)](https://www.strategiesforyouth.org/wp-content/uploads/2022/09/SFY-Two-Billion-Dollars-Later-Report-091422-web.pdf).

<sup>7</sup> See, e.g. KRISTIN HENNING, THE RAGE OF INNOCENCE: HOW AMERICA CRIMINALIZES BLACK YOUTH 204-35 (2021) (asserting that Black youth experience "policing as trauma."); *id.*, at 214 (describing research in which "[y]oung black men who experience physically and emotionally invasive police encounters report considerable signs of trauma and anxiety. Those signs increase with the frequency of the police contact, the intrusiveness of the contact, and the young men's perception that the contact was unfair."); See also Rod K. Brunson & Kashea Pegram, *Kids Do Not So Much Make Trouble, They Are Trouble: Police-Youth Relations*, 28 FUTURE CHILD. 83, 91 (2018) (In a survey of more than 1,000 New York City youths, "Black and Latino males were more likely than their white and Asian peers to report adverse police experiences. Black and Latino males were also more likely to report verbal and physical mistreatment by officers."); *Commonwealth v. Warren*, 58 N.E.3d 333 (Mass. 2016) (finding that police lacked reasonable suspicion for a stop, and considering data that Black men in Boston were "more likely to be targeted for police-civilian encounters" and "disproportionately targeted for repeat police encounters." *Id.* at 342. Although flight from police is generally a factor in determining whether reasonable suspicion exists, given this data, "flight is not necessarily probative of a suspect's state of mind or consciousness of guilt. Rather, the finding that black males in Boston are disproportionately and repeatedly targeted for [police] encounters suggest a reason for flight totally unrelated to consciousness of guilt. Such an individual, when approached by the police, might just as easily be motivated by the desire to avoid the recurring indignity of being racially profiled as by the desire to hide criminal activity.")

<sup>8</sup> See, e.g. Barry C. Feld, *Behind Closed Doors: What Really Happens When Cops Question Kids*, 23 CORNELL J. L. & PUB. POL'Y 395, 404 (2013) "[Youth] developmental characteristics—immaturity, impulsivity, and susceptibility to social influences—heighten youths' vulnerability in the interrogation room."; *id.* at 409-10 (in studies, researchers found the language in *Miranda* warnings "beyond the comprehension of many mid-teen delinquents, and its concepts beyond the grasp of many younger juveniles. Even youths who understand *Miranda*'s words may be unable to exercise the rights as well as adults. Juveniles do not fully appreciate the function or importance of rights, or view them as an entitlement, rather than as a privilege that authorities allow, but which they may unilaterally withdraw.")

<sup>9</sup> See HENNING, *supra*, at 153 ("What many officers perceive as disrespect is often just teenagers showing off, enjoying the thrill of a new risk, or deflecting stress, anxiety, and other emotions."); *id.*, at 154 (noting data on the overrepresentation of Black youth in arrests for "disorderly conduct" and "obstruction of justice," as well as "anecdotal evidence from across the country to show that Black teenagers are arrested and physically abused for being rude, giving attitude, and not submitting to officer's authority.")

being given authority by school officials to act as disciplinarians, and to enforce school codes of conduct.<sup>10</sup> Officers often do not understand how certain uses of force, such as tasers,<sup>11</sup> flash-bang grenades, and chemical agents, can have a deleterious effect on youth. Officers may be unaware of the trauma experienced by youth who are present during the arrests of their caretakers or when officers execute residential search warrants.<sup>12</sup> Officers may treat youth who are the victims of commercial sexual exploitation as criminal suspects, rather than as victims.<sup>13</sup>

For all these reasons, when youth encounter law enforcement, they are at risk of unreasonable searches, unnecessary arrest, excessive use of force, coerced or false confessions, and other harm.<sup>14</sup> Moreover, research indicates that negative encounters with law enforcement have a lasting impact on youth, including emotional distress and adverse health outcomes.<sup>15</sup> Research

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<sup>10</sup> See, e.g. POLICE EXEC. RSCH. F., AN INCLUSIVE APPROACH TO SCHOOL SAFETY: COLLABORATIVE EFFORTS TO COMBAT THE SCHOOL-TO-PRISON PIPELINE IN DENVER 6 (2018) <https://www.policeforum.org/assets/DenverSchools.pdf> (“[A] negative result of SROs in school districts around the country is early involvement in the criminal justice system with associated negative educational and career outcomes.”). See also *id.*, at 28 (In Denver, Colorado, in the early 2000s, police involvement led to “unnecessary arrests and criminalization of low-level student misbehavior.” As a community leader reported, “We saw student behavior become criminalized. Shoving matches became assault, yelling became disturbing the peace, and felt-tip markers became graffiti instruments. Students were ticketed for normal student behavior.”)

<sup>11</sup> See JOHANNA WALD & LISA H. THURAU, STRATEGIES FOR YOUTH, CATCH AND STUN 26-35, (2022) [https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY\\_Catch-and-Stun\\_fnl-rev\\_web.pdf](https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY_Catch-and-Stun_fnl-rev_web.pdf) (Conducted Electrical Weapons are particularly dangerous for children and youth because their brains and bodies are not fully developed).

<sup>12</sup> See INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND U.S. DEP’T OF JUSTICE BUREAU OF JUSTICE ASSISTANCE, SAFEGUARDING CHILDREN OF ARRESTED PARENTS, at 1, 12, 14, 20-21 (2014) [Safeguarding-Children-of-Arrested-Parents-Final\\_Web\\_v3.pdf \(theiacp.org\)](#).

<sup>13</sup> See U.S. DEP’T OF JUSTICE, CHILD EXPLOITATION AND OBSCENITY SECTION, CHILD SEX TRAFFICKING (2020) [Criminal Division | Child Sex Trafficking \(justice.gov\)](#); U.S. DEP’T OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING, COMBATING CHILD SEX TRAFFICKING: A GUIDE FOR LAW ENFORCEMENT LEADERS (2016) [Combating Child Sex Trafficking: A Guide for Law Enforcement Leaders \(usdoj.gov\)](#). Similarly, at the December 6, 2023 Council meeting, panelist Kyla Woods testified that after the arrest of her trafficker, she was charged with prostitution to ensure her testimony, and was “left with a record, homeless, and suffering from depression at eighteen.” See December 6, 2023 Council Written Testimony (hereafter Dec. 6, 2023 Written Testimony) at 20 (testimony of Kyla Woods).

<sup>14</sup> See Strategies for Youth, [Harmful Interactions Between Youth and Law Enforcement – Strategies for Youth \(Compendium of media reports of harmful interactions between youth and law enforcement agencies\)](#).

<sup>15</sup> See, e.g., Monique Jindal, et al., *Police Exposures and the Health and Well-being of Black Youth in the US: A Systematic Review*, 176 PEDIATRICS 78 (2022) (A review of studies shows that for Black youth, police exposures are associated with adverse mental health, adverse health outcomes, sexual risk behaviors, and substance abuse); see also research cited in n. 7, *supra*. Youth interviewed in DOJ civil rights investigations have made similar statements about the harmful impact of police interactions. For example, during DOJ’s investigation into alleged police misconduct in Louisville, Kentucky, Black Louisville youth told DOJ that interactions with police officers made them feel “intimidated,” “mad,” “scared,” “panic,” and “paranoia.” U.S. Dep’t of Just., Investigation of the Louisville Metro Government 45 (2023) [Investigation of the Louisville Metro Police Department and Louisville Metro Government \(justice.gov\)](#). During the DOJ’s investigation of the Chicago Police Department, “one youth told [DOJ] that the nature of the police presence in his neighborhood makes him feel like he is in ‘an open-air prison.’” U.S. Dep’t of Just., Investigation of the Chicago Police Department 143, 146 (2017) [Chicago Police Department - Findings Report - January 13, 2017 \(justice.gov\)](#). See also INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, PRACTICES IN MODERN POLICING: POLICE-YOUTH ENGAGEMENT, at 2 (2018) [Police-Youth Engagement \(theiacp.org\)](#) (“Arresting youth for minor offenses or for the purpose of teaching them to respect authority can have harmful, long-term consequences for young people and foster broader negative community perceptions.”)

also indicates that these encounters lead to decreased perceptions of police legitimacy, and increase the potential for future delinquent conduct by youth.<sup>16</sup>

These harms persist despite the fact that **Americans want effective policies and practices for youth interactions, and erroneously believe that they already exist.** According to a fall 2023 survey conducted for SFY, [Poll Results 2023 – Strategies for Youth](#):

- **56%** of poll respondents **think most or some law enforcement agencies have specialized policies** for youth,
- **67%** believe that law enforcement should use **alternatives to arrest** for youth who commit low-level non-violent offenses,
- **80% of poll respondents think that officers are legally required to read *Miranda* warnings to arrested youth before they interrogate them, and of those responding, that officers must read youth their *Miranda* rights, 87% felt that officers should be required to take additional steps to ensure youth understand their *Miranda* rights,**
- **78%** of poll respondents felt that a **lawyer should be present during interrogations** of youth,
- A **majority** of survey respondents say law enforcement agencies should **provide officers with specialized policies and training** for youth-related issues, such as responding to youth’s mental health crises, and
- More than **89%** believe that police who are deployed in schools should receive **specialized training.**

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<sup>16</sup> See, e.g. Juan Del Toro et al., *The Policing Paradox: Police Stops Predict Youth’s School Disengagement Via Elevated Psychological Distress*, 58 DEVELOPMENTAL PSYCH. 1402, 1402-12 (2022) (Research indicates that, due in part to psychological distress youth experience from police stops, these stops may lead to increased juvenile delinquency and decreased school involvement); Juan Del Toro, et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 116 PROC. NAT’L ACAD. SCIS. 8261, 8266-67 (2019). (In a study of primarily Black and Latino ninth-and tenth-grade boys, researchers found that “the frequency of police stops predicted more frequent engagement in delinquent behavior 6, 12, and 18 months later,” although youths’ self-reported delinquent behavior was “unrelated” to subsequent stops.... “Regardless of whether a boy had committed any prior delinquent acts, a police stop was associated with more frequent delinquent behavior in the future....This finding warrants special concern because, in our sample, prior law-abiding behaviors did not protect boys against future police stops, yet being stopped by police was associated with increased engagement in delinquent behavior...[O]ur findings suggest that the single most common proactive policing strategy—directing officers to make contact with individual boys and young men in “high-crime” areas—may impose a terrible cost. Our findings suggest that police stops are associated with harmful outcomes for young boys in those neighborhoods, and that they may be even more harmful when they occur earlier in boys’ lives.”); Stephanie Wiley & Finn-Aage Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?* 62 CRIME & DELINQ. 283, 299-300 (2013) (Research study findings “indicate that youth who have been stopped or arrested report significantly less anticipated guilt, greater agreement with neutralization techniques, greater commitment to delinquent peers, and higher levels of delinquency than youth with no police contact,” with youth who are arrested reporting “less anticipated guilt and more delinquency compared with stopped youth.” These police practices “likely decrease perceptions of police legitimacy among citizens who feel that they, or others, have been stopped without justification or treated unfairly. This has implications for deviance amplification, as less perceived legitimacy is associated with defiance or less compliance with the law.”)

## **Federal Agencies Can Keep Youth Out of the Legal System, and Aid System-Involved Youth, by Supporting the Implementation of Effective Law Enforcement Policies, Training, and Other Strategies**

Federal agencies should be forthright about ongoing inadequacies in law enforcement-youth interactions, and the resulting harm to youth. Federal civil rights investigations have highlighted violations of youths' rights by several law enforcement agencies, including by linking these violations to non-existent or inadequate youth-specific policies and training.<sup>17</sup> These investigations have also resulted in significant achievements toward protecting youth rights in individual jurisdictions.<sup>18</sup> But the ongoing mistreatment of and poor outcomes for youth, and the disservice to officers who are not given the tools to interact appropriately with youth, require a whole-of-government approach.

Federal agencies should urge law enforcement agencies, municipalities, and states to adopt and implement youth-specific policies. The federal government should also stress the importance of training for law enforcement officers so that they learn how to treat adolescents in ways that are developmentally appropriate and that will not result in long-term emotional trauma.<sup>19</sup> The federal government should incentivize these front-end reforms by:

- 1) developing national policy models for law enforcement interactions with youth;
- 2) providing technical assistance and funding for demonstration projects to increase the likelihood that the model policies and approaches will be implemented; and
- 3) providing funding for state agencies, advocates and academics to develop training on youth interactions for law enforcement leaders and officers, to ensure that law enforcement personnel have both policies and training in this crucial area.<sup>20</sup>

Any national policy models or implementation strategies should prioritize the principles of: collaboration between law enforcement agencies and community stakeholders and other public

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<sup>17</sup> For example, DOJ investigations have identified violations of youth civil rights by several law enforcement agencies, including in Minneapolis, Minnesota, Baltimore, Maryland, Ferguson, Missouri, and Meridian, Mississippi. See [Civil Rights Division | Special Litigation Section Cases and Matters \(justice.gov\)](#)

<sup>18</sup> See *id.*

<sup>19</sup> At the December 6, 2023 Council Meeting, Steve Anjewierden of the iCHAMPS Crime Prevention Center expressed similar views. See Dec. 6, 2023 Written Testimony at 22 (testimony of Steve Anjewierden) at (“Training for law enforcement officers can significantly reduce arrest of youth and thereby prevent youth from entering the juvenile justice system. Training officers on the teen brain will make it less likely for them to criminalize adolescent behavior.”); *id.*, at 24 (“Law enforcement agencies can implement internal policies that would improve the quality of professionalism among officers, improve the relationship with the community, uphold the safety and well-being of both community and law enforcement officers.”) See also Dec. 6, 2023 Council Meeting Transcript (hereafter Dec. 6, 2023 Tr.), at 25 (oral testimony of Steve Anjewierden) (“As a council, I think y'all can help out by providing advice and incentives and continuing to support facilitations of building coalitions where law enforcement can be present and have alternatives to the traditional juvenile justice system where it's appropriate. Three areas are in training, partnerships, and internal policies.”)

<sup>20</sup> See also Dec. 6, 2023 Written Testimony at 30-31 (testimony of Judge Ernestine Steward Gray (Retired), Orleans Parish Louisiana Juvenile Court) (Among what juvenile court judges need to be effective is “[r]edirection of expenditures towards effective solutions at the front end of the system,” including “investing in the training of judicial and law enforcement personnel in areas such as de-escalation techniques, mental health awareness and alternative dispute resolution. Developing and funding diversion programs that allow for non-criminal handling of certain offenses, particularly first-time and minor offenders.”)

agencies to facilitate prevention, diversion and other appropriate responses to youth;<sup>21</sup> holding officers accountable when they fail to follow policies or training;<sup>22</sup> and adopting data collection and public engagement practices that provide the public with greater transparency about how agencies treat youth. The federal government should also lead by example, by working across agency lines to prevent and respond to youth harm wherever it occurs throughout the system.<sup>23</sup>

Specifically, the federal government should make law enforcement and other entities aware of SFY's recently-published compendium, [12 Model Law Enforcement Policies for Youth Interaction](#).<sup>24</sup> These developmentally appropriate, trauma-informed, equitable policies are supported by citations to existing policies, legal and social science research, remedies arising out of consent decrees, and other information. The policies have been vetted by a diverse group of stakeholders, including psychologists, law enforcement leaders, prosecutors, youth defenders, and civil rights and police misconduct advocates. Information about the model policies has been disseminated to various stakeholders in a number of forums, including to the law enforcement community in the March 2024 issue of the COPS Office newsletter, THE DISPATCH.<sup>25</sup>

SFY's policies specifically address strategies to prevent youth involvement in the juvenile system. They encourage alternatives to arrest and formal processing through diversion and other approaches, including for (but not limited to) youth with disabilities, in mental health crisis, or under the influence of alcohol or drugs.<sup>26</sup> The policies repeatedly direct officers how to avoid

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<sup>21</sup> See also Dec.6, 2023 Written Testimony at 23 (testimony of Steve Anjewierden) (“Law enforcement should partner with several institutions and community-based organizations to increase the amount of options to address areas of youth need while also increasing protective factors. These partnerships can be used to prevent youth from entering the juvenile justice system, but can also be used with justice-involved youth. These programs can be developed with input from a variety of sources, including community members, with the understanding that they all must meet the legal requirements and ethical standards of each discipline.”)

<sup>22</sup> See also Dec. 6, 2023 Written Testimony at 13 (testimony of Ohio public defender Angela Chang) (federal agencies should “enforc[e] existing standards set for carceral systems and policing to reduce overuse and misuse of these system, thus freeing up resources for more preventative services.”)

<sup>23</sup> Federal agencies might work together – through enforcement actions, guidance, or technical assistance -- to address situations in which law enforcement, prosecutors, and juvenile courts each have a role in protecting, or harming, youth. For example, recently in Mississippi, a 10-year-old waiting in a car for his mother urinated outside the car because he saw no public restroom. The boy was arrested by police for urinating in public, held in a cell, charged by a prosecutor for this supposed offense, and faced probation conditions to be imposed by a juvenile court. See Orlando Mayorquin, *10-Year-Old Arrested for Public Urination Was Treated Like an Adult Criminal, Lawyer Says*, N.Y. TIMES (Dec. 21, 2023). As another example, the federal government could build on the National Institute of Justice's ongoing School Safety Initiative, [NIJ's Comprehensive School Safety Initiative | National Institute of Justice \(ojp.gov\)](#), and ongoing U.S. Department of Education data about school-based arrests and referrals to law enforcement, see U.S. Dep't of Education Office for Civil Rights, [Referrals to Law Enforcement and School-Related Arrests in U.S. Public Schools](#), to speak with one voice to school officials and law enforcement agencies about the role of law enforcement officers in school.

<sup>24</sup> The 12 policies are: Policy 1: [Overview of Youth Interactions Policies](#); Policy 2: [Investigatory Stops, Non-Custodial Interviews, and Search and Seizure of Youth](#); Policy 3: [Arrest, Transport, Booking, and Temporary Custody](#); Policy 4: [Miranda Warnings, Waiver of Rights, and Youth Interrogations](#); Policy 5: [Use of Force with Youth](#); Policy 6: [Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status](#); Policy 7: [Fair and Impartial Policing: LGBTQ+ Youth](#); Policy 8: [Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol](#); Policy 9: [Protection of Youth Who Are Vulnerable Due to the Arrest of Parents or Other Caretakers, the Execution of Residential Search Warrants, or Commercial Sexual Exploitation](#); Policy 10: [Law Enforcement Interactions With Students](#); Policy 11: [Data Collection](#); and Policy 12: [Transparency and Accountability](#). SFY provides additional source and background information in detailed appendices.

<sup>25</sup> See [Strategies For Youth – Implementing the Three Ps: Policies, Protection, and Prevention \(usdoj.gov\)](#)

<sup>26</sup> See Policy 2: Investigatory Stops, Non-custodial Interviews, and Search and Seizure of Youth, Section IV. See also Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired by Drugs or

escalating, and how to de-escalate, encounters with youth.<sup>27</sup> The policies make clear that school-based officers who interact with students must not criminalize student behavior that could be addressed through the school code of conduct.<sup>28</sup>

SFY's model policies can help law enforcement agencies and officers meet the needs of justice-involved youth. The policies give agencies and officers the tools to act consistently with youths' constitutional and federal statutory rights in such situations as holding youth in custody and youth interrogations.<sup>29</sup>

To both prevent youth entry into the system, and meet the needs of system-involved youth, SFY's policies operationalize the legal and scientific principle that youth are different, and aid officers in seeing law enforcement interactions from the youth's point of view.<sup>30</sup> The policies also emphasize that effective implementation requires officer training and support, including through instruction in:

- law enforcement agency policies for youth interactions;
- normative behavior during adolescence;
- impacts of trauma, traumatic stress, and adverse childhood experiences on youth's behavior;
- procedural justice;
- developmentally appropriate, trauma-informed, equitable communication and interaction strategies;
- de-escalation practices;
- bias awareness and legal obligations to treat youth equitably;
- disability, mental health crises, and substance use among youth;
- demographic factors that affect youth development and young people's perceived options;
- youth-serving agencies and community-based organizations available to support youth and family needs in their jurisdiction;
- diversion and other alternatives to formal system involvement;
- training specific to the school environment and students for officers who work in schools;

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Alcohol, Sections VI, VII, and X. *See also* Dec. 6, 2023 Written Testimony at 17-18 (testimony of Robert Rodemeyer, Cook County State's Attorney's Office) ("Following initial contact with law enforcement, diversion programs implemented by law enforcement and prosecutorial agencies are effective at reducing the probability of youth entering the justice system. By partnering with the same established community groups, positive mentor connections and engaged caregiver support outlined above, diversion programs can provide wholistic wrap around services better suited to deter further negative peer influence.")

<sup>27</sup> *See* Policy 5: Use of Force with Youth, Section II; Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired by Drugs or Alcohol, Section IV; Policy 10: Law Enforcement Interactions with Students, Section I.

<sup>28</sup> *See* Policy 10: Law Enforcement Interactions with Students.

<sup>29</sup> *See* Policy 3: Arrest, Transport, Booking, and Temporary Custody; Policy 4: *Miranda* Warnings, Waiver of Rights, and Youth Interrogations.

<sup>30</sup> *See, e.g.* Policy 2: Investigatory Stops, Non-custodial Interviews, and Search and Seizure of Youth at 2 (Reasons for Youth-Specific Policies) (explaining how youth may perceive being stopped, questioned, or searched); *see also id.*, Section I (directing officers that they should not assume that certain normative youth behaviors, standing alone, are indicative of guilt.)



- for officers who are expected to work with youth who have experienced trauma due to their relationships with adults, training specific to those situations; and
- a review of juvenile law topics.<sup>31</sup>

SFY’s policies are designed to help agencies anticipate, avoid, and address the racial and ethnic disparities that are present at the point of police contact and arrest, and that draw youth of color deeper into the juvenile system.<sup>32</sup> The policies can help law enforcement agencies avoid the unnecessary arrests and overcriminalization of other vulnerable youth, including LGBTQ+ youth<sup>33</sup>, immigrant youth<sup>34</sup>, youth with disabilities<sup>35</sup>, and youth affected by substance use.<sup>36</sup> The policies also clearly define law enforcement officers’ role in interactions with students, including by constraining officers’ participation in routine school discipline/school climate issues, and by requiring that law enforcement agencies and school districts sign Memoranda of Understanding to govern officer conduct in schools.<sup>37</sup>

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<sup>31</sup> See Policy 1: Overview of Youth Interactions Policies, Section III. See also Policy 5: Use of Force with Youth, Section VII; Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired by Drugs or Alcohol, Section I; Policy 9: Protection of Youth Who Are Vulnerable Due to the Arrest of Parents or Other Caretakers, the Execution of Residential Search Warrants, or Commercial Sexual Exploitation, Sections I.A, II.A, III.C; Policy 10: Law Enforcement Interactions with Students, Section VI.

<sup>32</sup> See Policy 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status. At the December 6 Council meeting, public defender Angela Chang and former Judge Ernestine Steward Gray spoke powerfully about the experiences of these youth. See Dec. 6 2023 Written Testimony at 12-13 (testimony of Angela Chang) (“The majority of the youth that I represent are black and brown even though people of color make up about a third of the county’s population. Their neighborhoods are the most policed and do not have safe, affordable, and stable housing.... Instead of wrapping kids in need with more intensive support services and individualized attention, our under-resourced schools use school discipline and school police to manage behavioral concerns.”); *id.*, at 32 (testimony of Ernestine Steward Gray) (“Additionally, black and brown youth are more likely to be arrested, charged, and detained than their white counterparts despite little difference in severity of offense and are more likely to face harsher treatment at every state of the process, from arrest to sentencing. The collateral consequences of involvement in the juvenile system extend beyond detention and affect future prospects of black and brown children and youth including higher dropout rates, dismissed employment opportunities and increased likelihood of future encounters with the criminal justice system. Because of these disproportionate impacts, there is support for alternatives to detention like community-based programs that focus on rehabilitation, education and community service which have shown promise in reducing recidivism and supporting positive youth development.”)

<sup>33</sup> See Policy 7: Fair and Impartial Policing: LGBTQ+ Youth.

<sup>34</sup> See Policy 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status

<sup>35</sup> See Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired by Drugs or Alcohol

<sup>36</sup> See *id.*

<sup>37</sup> See Policy 10: Law Enforcement Interactions with Students. Policy 10 identifies necessary components of Memoranda of Understanding between law enforcement agencies and schools at Section II, and in the Appendix to Policy 10 at 11-12. The Appendix also provides information about state model MOUs in Massachusetts and Virginia, and local MOUs in those states. SFY provides additional information in STRATEGIES FOR YOUTH, MOU CHECKLIST FOR SCHOOL RESOURCE OFFICERS (2022) [MOU-Checklist-063022.pdf \(strategiesforyouth.org\)](#), and STRATEGIES FOR YOUTH, PARENT’S CHECKLIST FOR SROs IN YOUR CHILDREN’S SCHOOLS (2018) [ParentGuide-SROs-InSchool-062518-EN.pdf \(strategiesforyouth.org\)](#). See also U.S. DEP’T OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES, GUIDING PRINCIPLES FOR SCHOOL RESOURCE OFFICER PROGRAMS (2022) [Guiding Principles for School Resource Officer Programs \(usdoj.gov\)](#); INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, SCHOOL-POLICE PARTNERSHIPS: CONSIDERATIONS (2020) [School-Police Policy - FULL 07092020.pdf \(theiacp.org\)](#). Similarly, at the December 6 Council meeting, Steve Anjewierden testified: “MOUs between law enforcement and the school district should be developed to create clear guidelines for law enforcement officers and school administrators when engaging in problematic behaviors among youth, as well as create a positive, healthy and safe learning environment in schools. MOUs maximize the social and community value of an officer while also regulating the use of arrest and diversions...Specific language in the document can set standards for training,

To support the most vulnerable youth, SFY’s policies encourage partnerships between law enforcement and community resources, and between law enforcement and other public agencies. SFY supports these partnerships because experience has taught us that, in the vast majority of cases, a solely law enforcement response to youth is neither necessary nor effective.<sup>38</sup> Consistent with December 6, 2023 hearing testimony about the importance of law enforcement officers and agencies understanding the justice system from the perspective of youth, families and communities,<sup>39</sup> each SFY policy explains why a youth-specific approach is necessary.

In addition, in key respects, adoption of SFY’s policies would help bring law enforcement agencies in line with the principles of the Juvenile Justice Delinquency and Prevention Act (JJDP). The policies inform agencies about the JJDP core requirements, caution agencies about keeping youth in adult jails or lock-ups and the need to keep youth sight-and-sound separated from adults, and encourage practices that are designed to avoid racial and ethnic disparities at the point of law enforcement contact.<sup>40</sup>

Finally, SFY’s policies further the goals of preventing system involvement and meeting the needs of system-involved youth by operationalizing principles of transparency and accountability. Policies serve as a proxy for a contract between law enforcement agencies and communities by clarifying what the agency has directed its officers to do and what the community may expect of officers. Adopting SFY policies can help build community trust in law enforcement, which – as noted at the December 6, 2023 Council meeting – is often lacking.<sup>41</sup>

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positive student engagement, record sharing, assignment and separation of job duties, financial agreements, etc.” See Dec. 6, 2023 Written Testimony at 24 (testimony of Steve Anjewierden); see also Dec. 6, 2023 Tr. at 26 (oral testimony of Steve Anjewierden) (“To be clear, that role [of school-based law enforcement officers] is not to be the hammer. There are occasionally appropriate law enforcement interactions to be taken, but they’re not the disciplinarian and they’re not the punisher.... These MOUs should also establish training requirements for school resource officers, which are meant to create a safe and healthy learning environment for all the students.”)

<sup>38</sup> See also Dec. 6, 2023 Tr. at 25 (oral testimony of Steve Anjewierden) (“Law enforcement also says we can’t arrest our way out of the problem, but we need partners to have those alternatives.”); *id.*, at 35 (oral testimony of Laura Broyles (“Too many times we see young people who are acting out due to mental health symptoms or when they’re responding to their triggers to trauma. Instead of responding to that trauma appropriately, we find that they are either incarcerated in a detention setting or in some other type of setting that is just compounding their trauma.”)); *id.*, at 32 (oral testimony of Ernestine Steward Gray) (“Youth incarceration is costly, ineffective and harmful to adolescents while not improving public safety. Recidivism rates are higher, and detention exposes youth to negative influences and fails to address the underlying issues that led to their delinquent behavior.”)

<sup>39</sup> See, e.g. Dec. 6, 2023 Tr. at 33 (oral testimony of Steve Anjewierden) (“I think that in general, law enforcement has challenges with authentically hearing what the community has to say. I think the first thing we have to do is talk to my colleagues about the value of the input that can come in.”); *id.* at 35 (oral testimony of Ernestine Steward Gray (“I think it always comes down to listening to what the community needs, and then supporting them at the government level.”)

<sup>40</sup> See Policy 1: Overview of Youth Interactions Policies; Policy 3: Arrest, Transport, Booking, and Temporary Custody, Section II, Section V, Appendix to Policy 3 at 1-2; Policy 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status. See also Dec. 6, 2023 Tr. at 27 (oral testimony of Laura Broyles) (“My first recommendation would be that the Juvenile Justice and Delinquency Prevention Act core requirements be embedded across all systems and in every part of the system. Law enforcement should understand it. Child Welfare should understand it. The Department of Mental Health should understand it. Too many times we see young people who are acting out due to mental health symptoms or when they’re responding to their triggers to trauma. Instead of responding to that trauma appropriately, we find that they are either incarcerated in a detention setting or in some other type of setting that is just compounding their trauma. I would recommend that we cross-train them across the board.”)

<sup>41</sup> See Dec. 6, 2023 Tr. at 33-34 (oral testimony of Steve Anjewierden) (“Often, community members don’t have that faith or trust in law enforcement that it’s worth their time to show up and give ... information” [about their views]. I

In submitting these comments, SFY is aware that the Council and OJJDP may not be comfortable with endorsing SFY's policies. Since these are the first comprehensive set of policies for law enforcement interactions with youth based on developmental factors, trauma, and equitability, we also recognize that not all law enforcement agencies will agree with all aspects of them. However, the Council can do a great service for youth, and for other juvenile system stakeholders, by leading federal agencies in supporting the concept that all law enforcement agencies should have and implement developmentally appropriate, trauma-informed, equitable policies for interactions with youth.<sup>42</sup>

Thank you very much for considering these comments. If you have questions or want to further discuss the comments, please feel free to contact us at [lht@strategiesforyouth.org](mailto:lht@strategiesforyouth.org) or [sj@strategiesforyouth.org](mailto:sj@strategiesforyouth.org), (617)714-3789 (office); (617)513-8366 (cell).

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Strategies for Youth

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think it's understanding that from the law enforcement side, we just got to keep trying, and we got to keep building that relationship until there is enough common ground where we can have that dialogue, and that will range across the country, right?"); *id.*, at 35 (oral testimony of Laura Broyles) ("[P]articularly as we're talking about the police and bringing them into the community, we just have to be honest, there are a lot of communities that do not trust the police, and for a good reason.") See also U.S. DEP'T OF JUSTICE COMMUNITY RELATIONS SERVICE, IMPORTANCE OF POLICE-COMMUNITY RELATIONSHIPS AND RESOURCES FOR FURTHER READING (2015) ("In the wake of recent incidents involving police use of force and other issues, the legitimacy of the police has been questioned in many communities. Many cities in the United States experienced large-scale demonstrations and protest marches in 2014 and 2015, and in some cases, there have been riots over perceptions of police misconduct and excessive use of force. It is imperative that police agencies make improving relationships with their local communities a top priority."); U.S. DEP'T OF JUST., INVESTIGATION OF THE BALTIMORE CITY POLICE DEP'T (2016) <https://www.justice.gov/crt/file/883296/download> (describing a long history of distrust between law enforcement and certain segments of the Baltimore community, and explaining how systemic deficiencies in law enforcement contributed to the erosion of community trust).

<sup>42</sup> For example, at the state-level, in February 2024 the Ohio Collaborative Community Police Advisory Board directed all Ohio law enforcement agencies to adopt developmentally appropriate, trauma-informed, equitable approaches when interacting with youth, and to create written policies to govern agency and officer interactions with youth. See Ohio Collaborative Community Police Advisory Board, [Developmentally Appropriate Policing & Positive Youth Interactions](https://www.ocjs.ohio.gov/static/ohiocollaborative/links/Ohio-Coll-Juvenile-Standard-Final.pdf). <https://www.ocjs.ohio.gov/static/ohiocollaborative/links/Ohio-Coll-Juvenile-Standard-Final.pdf>. This directive is based on standards SFY developed for Ohio in 2021.