

Model Policy

Use of Force with Youth

*Strategies for Youth***PURPOSE**

Provide guidance to law enforcement agencies to tailor their use of force policies and training to address interactions between officers and youth. As the level of force rises, so does the officer's duty of care to consider the short and long term impact of the use of restraints, weapons and force, in the context of the heightened duty of care to protect youth, due to youth vulnerability and immaturity.

This policy *supplements* and *complements* existing law enforcement agency use of force policies, and assumes that agencies recognize a duty of care to youth. The policy requires that, where feasible, officers must use developmentally appropriate de-escalation practices before using force, restraints, or weapons. This policy directs officers to use the least amount of physical force possible to effect a lawful law enforcement purpose, and recommends standards of use, including restricted use and prohibitions, for specific types of weapons, restraints and use of force on youth.

This policy assumes routine and rigorous training of officers in de-escalation tactics, and the principle that use of force is a last resort.

The policy is based on the recognition that determining whether to use force can require officers to make split-second decisions¹ to protect themselves and their communities, and on the view that these decisions must be made consistent with officers' duty of care to preserve and protect the life of youth. The policy requires that any use of force must be reasonable, in light of all of the circumstances involved in the officer's interaction with the youth, including characteristics of the youth, the circumstances in which the youth and officer are interacting, and any risk posed by the youth to themselves, to others, or to the officer.² This means that,

¹ Nothing in this policy precludes existing policy directives that allow officers to take quick action when faced with a life-threatening situation, such as an active shooter.

² See *Graham v. Connor*, 490 U.S. 386, 397 (1989) (the appropriate analysis to assess the constitutionality of an officer's use of force is "whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting

wherever feasible, officers must account for a youth's age, size, development, and known or apparent disability when considering use of force tools and/or tactics.

POLICY

As a **supplement and a complement to existing procedures dictated by the law enforcement agency's use of force policy**, this policy is based on six principles, aimed at preventing death and serious bodily injury to youth, reducing trauma, and

them, without regard to their underlying intent or motivation." To determine objective reasonableness, one must pay "careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." See also *id.* (This analysis asks whether the officer's conduct was reasonable under the "totality of the circumstances".) (quoting *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)).

About SFY's Model Law Enforcement Policies for Youth Interaction

In November 2023, Strategies for Youth (SFY) released "12 Model Law Enforcement Policies for Youth Interaction," a comprehensive, research- and evidence-based set of guidelines for law enforcement agencies seeking to improve their relations and outcomes with the young people they encounter in the day-to-day course of policing. SFY carefully drafted the policies based on research, case law, statutes, and U.S. Department of Justice consent decrees. A diverse group of national, regional, and state experts and stakeholders also reviewed the policies. Previous issues of *Juvenile Justice Update* explored Model Policies for establishing an overall approach to dealing with youth, for arrests and interrogations, and for Miranda warnings. In this issue, we highlight SFY's comprehensive Model Policy for Use of Force.

ensuring adherence to the duty to protect youth.

Principle #1: Use developmentally appropriate, trauma-informed de-escalation tactics prior to use of force. This involves including by determining, as much as feasible under the circumstances, whether the youth has a disability, language barrier, or other condition that may impair their ability to understand and comply with the officer's statements and commands.

Principle #2: Provide warning and time to comply before using force tactics or tools.

Principle #3: Account for age, size and development of youth with respect to specific use of force tools/tactics.

Principle #4: Restrict and /or prohibit use of conducted electronic weapons, extended range impact weapons (ERIW), head strikes, impact weapons, canines and firearms on youth, unless the youth is threatening the officer or another with death or serious bodily injury.

Principle #5: Restrict pointing of weapons at youth.

Principle #6: Do not engage in unnecessary, overly aggressive, or otherwise improper actions that escalate the encounter and may create a situation where force is needed.

REASONS FOR YOUTH SPECIFIC POLICIES

Why the Use of Force Should be Different Against Youth

- Because youth are still developing, they tend to be more impulsive and have more difficulty exercising judgment than adults. Youth often interact with law enforcement in a heightened state of anxiety, due to their perception of officers, the circumstances resulting in law enforcement's presence, and/or prior traumatic exposure. When officers lack youth-specific training and policy guidance for interactions with youth, they may unnecessarily escalate these interactions, including through the circumstances resulting in use of force.

See *USE OF FORCE*, page 8

DEFINITIONS

CHOKEHOLD & CAROTID RESTRAINTS

Chokeholds involve pressure to the throat or windpipe and restrict an individual's ability to breathe and the blood flow to the brain, causing temporary unconsciousness.

CONDUCTED ELECTRONIC WEAPON (CEW)

A conducted electronic weapon sends up to 50,000 volts of electricity through two prongs or hooks that attach to a body, causing a person to contract involuntarily through "hijacking" the central nervous system. The purpose is to immobilize a person. CEWs vary in strength and their capacity constantly evolving.

DEVELOPMENTALLY APPROPRIATE

Developmentally appropriate policing requires that officers understand the unique social, emotional, physical, neurological, behavioral, and moral aspects of development in a youth under 18 years of age and adjust their policing practices accordingly. This term reflects how youth experience transformative change and growth, particularly in the brain, during this phase of human development, and that these changes impact behaviors in ways that are often beyond a youth's control. As a result of their developmental process, they often interpret information, directives, and commands differently from adults. Therefore, law enforcement officers must use different practices when interacting with youth. Because youth develop at different rates, it is necessary to focus on developmental characteristics instead of age.

DEVELOPMENTALLY APPROPRIATE LANGUAGE

Developmentally appropriate language uses vocabulary, syntax, and speed and complexity of communication that matches an individual's developmental level and capacity for understanding. Developmentally appropriate language is necessary to ensure meaningful communication and increases the likelihood that youth are able to understand and assert their constitutional rights.

DRIVE STUN

This is when a CEW is discharged while in direct contact with skin.

EXTENDED RANGE IMPACT WEAPONS

Shot at a high velocity from a firearm, bean bags, wooden dowels and rubber bullets are used to temporarily incapacitate a person because they have a lower probability than a bullet of causing serious bodily harm.

FEASIBLE

State law may define what factors must be considered to make an action feasible including, as "reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person."³

FLASH BANG GRENADE/NOISE FLASH DEVICE

These devices make controlled explosions of loud noise and bright light with the intention of diverting and distracting to provide a tactical advantage to officers. Some devices reach up to 1000 degrees Fahrenheit, 175 decibels, and 1 million candlepower light flash.

HOG-TYING

Placing an individual face down, in the prone position, with hands cuffed behind their back and their feet connected by an adjustable nylon belt also known as a hobble device. Sometimes a person will be suspended from a long bar placed between the handcuffs and ankle restraints.

IMPACT WEAPONS

Also known as a baton, truncheon, or asp, these weapons can be made of rubber, plastic, wood, or metal and range in size from 7 inches to 7 feet, and some can be retracted. The primary use and purpose is to control or stop actions through pain compliance by delivering a blow that stuns or immobilizes a person.

LOW-READY POSITION

An unholstered gun that is out of the officer's visual field.

OLEORESIN CAPSICUM (OC) SPRAY

OC spray is a tear-producing substance that causes acute eye pain, tearing, skin irritation, and respiratory tract irritation.

PRESSURE POINT TACTICS

Tactics that use pain to achieve compliance.

TRAUMA

As defined by the U.S. Department of Health and Human Services, individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

TRAUMA-INFORMED

A trauma-informed **officer**: 1) anticipates that exposure to and experience of trauma is widespread, 2) realizes that the impacts of trauma often lead to reactive, survival behaviors; 3) recognizes hallmarks of traumatic responses, which are often shaped by a perspective of powerlessness, and 4) responds by considering the role trauma may play in a person's response while taking steps to avoid re-traumatization. A trauma-informed law enforcement **agency** supports its officers' trauma-informed responses by promoting awareness of and training about trauma, policies that require training for trauma-informed skills with the public and among officers.

VIOLENCE PREVENTION INTERVENTIONS

Community-based programs/responders to anticipate, defuse, and prevent violence.

YOUTH

Any person under the age of 18.

³ See California Government Code Section 7286 (a) (3) (2022).

USE OF FORCE, from page 6

- Although data on law enforcement use of force against youth is limited, available information indicates that:
 - When an officer-youth interaction involves force, the force is initiated by the officer 80% of the time,
 - Youth of color are the most frequently subject to use of force and are disproportionately subject to death from law enforcement shootings.
- Law enforcement use of force can lead to youth injury. For example, a search of the Centers for Disease Control Web-based Injury Statistics Query and Reporting System finds that 172,472 children aged 5 to 18 were brought to emergency rooms for nonfatal injuries resulting from legal interventions between 2001 and 2020, which is roughly 8,000 youth seeking emergency room treatment each year.
- Use of Conducted Electrical Weapons are particularly dangerous for youth, because their brains and bodies are not fully developed. The intensity of the electrical charge, the areas targeted, and the risk that the young person will freeze up and experience flatboarding (i.e. falling without being able to use their hands and arms to break the fall) when tased, make youth apt to suffer more severe injuries, potential structural damage and lasting disabilities. Any disruption or injury during this critical developmental period can halt or delay normal development, sometimes permanently.
- Youth who are subjected to force by law enforcement, or even witness it secondhand, often suffer long-term emotional trauma and psychological distress. For instance, one study found that “exposure to police violence leads to persistent decreases in GPA, increased incidence of emotional disturbance and lower rates of high school completion and college enrollment for Black and Latino students.”

Additional source and background information for this policy can be found in the Supplementary Materials on page X.

PROCEDURE**I. Duty to Use Developmentally Appropriate, Trauma-Informed De-Escalation Tactics with Youth****A. Officer Assessment**

Officers will begin the use of de-escalation practices by assessing youth:

1. characteristics, including their apparent age, body size, and strength relative to the officers’ strength,⁴
2. capacity to communicate,
3. indicators of any disabilities or substance use that will interfere with a youth’s ability to interact with officers and follow officers’ instructions.⁵

B. Officers Shall Avoid Escalating Situations

Officers shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk, including, but not limited to:

1. Immediately approaching a youth without proper evaluation of the situation,
2. Approaching a youth with weapons drawn when the youth poses no known risk,
3. Failing to provide enough time for a youth to comply with commands, including by taking action before youth has understood the command,
4. Making verbal threats to use force against youth or their friend/family member,
5. Leaving insufficient physical space between an officer and the youth causing the youth to attempt to withdraw from the situation.
6. Escalating a situation by:
 - Multiple officers issuing multiple, contradictory commands in a short period of time,
 - Humiliating youth, by using racist, sexist or otherwise insulting language,
 - Provoking or baiting youth into proving themselves by playing on

⁴ See, e.g. Baltimore Police Department Policy 1115, Draft Use of Force Policy, (July 26, 2023) at 9 (“When force against a Youth is necessary, members will take into account articulable personalized factors of the Youth including: apparent age of the Youth, body size, and relative strength of the member relative to the Youth; and risk posed by the child or young person.”)

⁵ See SFY Policy 8: Policing Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol (<https://strategiesforyouth.org/Model-Policy8.pdf>).

their developmental vulnerabilities (e.g. “be a man,” “man up,” “if you were a big man”),

- Mirroring or mocking youth responses.

II. De-Escalation Strategies for Use with Youth

The *Behavior, Language and Timing of officers’ response* to youth will affect the outcome of de-escalation efforts.⁶

A. Officer Behavior

Officers must be aware that their presence may escalate situations with youth, and work to counteract this impact by, where feasible, avoiding conduct that the youth may perceive as intimidating and/or threatening. To do so, officers should:

- Approach youth in a non-confrontational manner to diffuse tension and anxiety,
- Avoid quick movements and gestures that indicate aggression,
- Create distance/separate youth from onlookers for questioning or to investigate a situation, and/or reduce the presence of onlookers whose presence is escalating the officer-youth interaction,

⁶ See Baltimore Police Department Policy 1202, Interactions with Youth (2022) (“**6.2.** Recognize that a Youth may not comply right away with orders and that multiple attempts may be needed without resorting to the use or threats of force. The BPD’s policy requirements governing the use of force in encounters with Youth are included in Policy 1115, Use of Force. **6.2.1.** Repeat instructions in a clear voice, and remind the Youth that the purpose of a member’s actions is to protect the safety of the Youth and others. **6.2.2.** Make efforts to slow down and not rush through interactions absent an emergency situation. For example, when safe and feasible under the circumstances, a member may walk alongside a Youth who initially refuses to stop on the member’s orders to try to get the Youth to comply as opposed to physically restraining the Youth. **6.2.3.** Repeat back what the Youth says to demonstrate understanding and give an opportunity for clarification. Answer any questions a Youth may have in order to help them understand the Member’s actions. **6.2.4.** Allow time for the Youth to vent their frustrations, and give them an opportunity to comply (consider environment and other competing stimulus – e.g., sirens, flashing lights, noise, commotion). **6.2.5.** Allow the Youth to make choices or remind them that they may request the help of a parent or guardian, when appropriate. This may include arriving at a way to resolve the situation together. **6.2.6.** Be attentive to a Youth’s actions over their words. Youth often may comply regardless of verbalizing otherwise.”)

See *USE OF FORCE, next page*

USE OF FORCE, from page 8

- Keep as much distance as possible between officers and youth, to avoid crowding or encroaching youth,
- Anticipate that as the distance between officer and youth decreases, youth may make aggressive gestures out of a perceived need to protect themselves,
- When several officers are present, designate one officer to lead the interaction,
- Ascertain whether family or friends can assist in explaining the situation and/or de-escalating it, particularly with youth who cannot adequately communicate or comprehend the situation due to disability, mental health crises, or the adverse impact of substance use,⁷
- Request available resources, as needed, such as a crisis intervention team or mental health professionals,
- Once on scene, collect information, including violence interrupters, family, or others who can facilitate communication with the youth and/or aid in de-escalation.

When Officers use restraint/force:

- Designate an officer who is not restraining the youth to explain why officers are using the restraint (e.g. “keep you and others safe because of...”),
- A single officer should explain what will happen next if youth complies,
- A single officer should explain what will happen next if youth does not comply.

Officers:

- Shall avoid pointing guns at youth, or otherwise gesture or imply the use of a gun, unless deadly force is permitted, to obtain compliance with lawful directives,
- Shall not physically intimidate youth with threats of harm,
- Are prohibited from detaining youth in their vehicles unless officers have reasonable suspicion that the youth has committed a crime or officers have probable cause to arrest the youth.

B. Officer Communications Strategies

During high stress interactions, the capacity to process language is compromised; for young people this may be more pronounced. The more stimulus in their surroundings—sirens, flashing

lights, observers, and speakers—the less a youth can accurately and fully process an officer’s verbal commands. Youth respond to **tone** more immediately than verbal directives.

An officer may be more effective if the officer gives the youth directives in a calm voice, and does not demean the youth. Officers interacting with youth should anticipate verbal resistance and youth who will try to draw officers into a power/authority struggle through language, or through trying to walk or run away from the encounter. In such circumstances, the officer should distinguish between verbal protests and behavioral compliance, and respond to the youth’s behavior rather than youth’s words.

1. Designate Lead Communicator

Designate one or two officers to engage the youth in conversation,

- Designate only **one** officer to issue directives to the youth,
- Issue simple directives (e.g. avoid compound sentences) and allow youth time to process the directive and comply with each one (e.g. avoid multiple directives at a time),
- A second officer should be prepared to assume this role if the first officer cannot engage the youth.

2. Officers’ communication strategies should use developmentally appropriate, trauma-informed **approaches including:**

- Whenever possible, in directing or warning youth, using affirmative (i.e., what the youth should do), rather than negative (i.e., what the youth should not do), language,
- Speaking in a calm and measured tone,
- Using short sentences,
- Explaining the reason for the interaction or ask the youth to share their view of why officers are present,
- Attempting to develop rapport by:
 - Communicating in a way that demonstrates respect for the youth’s dignity,
 - Listening to the youth’s questions and concerns and responding respectfully,
 - Explaining decisions in a neutral and fair way.
- Repeating back what youth say to demonstrate officer’s understanding of the youth’s statements, offer an opportunity for clarification, and slow down the interaction while finding common ground,

- Setting clear limits and expectations about the purpose of officer response to the interaction,
- Waiting for answers from the youth,
- Gaining compliance by creating a dynamic that allows, or gives the impression of, choice to the youth.
 - Use ‘Situation/Alternative/Consequence’ (SAC) strategy in which officer describes two options, which are equally palatable to the officer, and invites youth to choose an alternative and consequence,
 - Where possible, allow youth to make choices, even if it is only the appearance of a choice.
- To diffuse social pressures, offer youth a “face-saving” strategy for resolving the conflict that serves the youth’s needs while keeping control of the incident.

C. Officer Timing

In high-stress encounters, youths’ perception of time accelerates. This often has the effect of making youth feel that they are out of control of their circumstances, increasing their reactivity, and preventing them from considering ways to resolve the conflict. To the extent practical, slowing down the interaction and reducing the sense of urgency and pressure is key to effective resolutions.

Where possible, officers should:

- spend time developing rapport with the youth; the time invested providing explanations may later avoid or reduce the time spent subduing a youth who is physically resisting;
- emphasize there is no rush for resolution and that it is important to get the best outcome, not a fast one, (e.g. “We’ve got all the time in the world to get this right”),
- attempt to slow down or stabilize the situation to allow for the arrival and consideration of additional resources that may increase the likelihood of a safe resolution.

D. Officer/Supervisor Involvement of Other Resources

Officer use of mental health providers, social workers, outreach workers, violence interrupters, family, friends and others may help de-escalate officer-youth interactions and avoid use of force. Officers should consider:

See USE OF FORCE, next page

⁷ See SFY Policy 8: Policing Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Alcohol or Drugs, supra note 5.

USE OF FORCE, from page 9

- Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, hostage negotiators, other behavioral health providers, or back-up officers, including more experienced officers or supervisors;
- Involving family, friends, or others who can assist in explaining the situation and/or de-escalating it, particularly with youth who cannot adequately communicate or comprehend the situation due to disability, mental health crises, or the adverse impact of substance use.⁸

III. Warning, Identification & Opportunity to Comply Prior to Use of Force

Officers shall identify themselves and warn youth before using physical force, restraints or weapons.

1. Assess youth's capacity to understand and comply with officer commands,
2. Provide clear instructions about what the youth should do,
3. Warn youth of consequences of failing to comply (e.g. drop weapon, end threat towards another),
4. Warn youth that physical force may be used unless they stop resisting the officer and comply with verbal directives,
5. Warn youth that physical force will be used unless their resistance ceases,
6. Ask youth to repeat back to the officer their understanding of the situation,
7. After warning that the officer may use physical force, give youth a reasonable time to comply.

Duty to Use *Least Amount of Force* on Youth

The use of force must be necessary, and reasonable in light of the totality of circumstances involved. No force shall be used or threatened where youth:

- Are compliant and not resisting an officer,
- Are obeying an officer's lawful order,
- Pose no risk of harm or threat to themselves, the officer or others,
- Are restrained by handcuffs or other methods,

⁸ See SFY Policy 8: Interactions with Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol, supra note 5.

- Have only expressed disagreement verbally or refused to speak to officers,
- Move their body in response to pain caused by an officer or make purely defensive reactions to an officer's use of force,
- Resist only by bracing, tensing or clenching their fists.

IV. Prohibited Use of Restraints, Weapons & Force on Youth

A. Officers shall not use force on youth who are compliant and not resisting and pose no risk to another person.

Officers shall not use any weapon, restraint or force for the purposes of:

- causing pain or to inflict injury,
- punishment,
- intimidation, coercion, or harassment.

Prohibited Uses of Weapons on Youth

- Pointing or threatening a weapon at youth, or firing warning shots to induce compliance or to intimidate,
- As a blunt force weapon,
- When the youth is causing harm solely to property and not putting others at risk of harm,
- When the youth poses no risk to the officer, or another person,
- When the youth presents a danger only to themselves and does not have the apparent ability, opportunity, or intent to immediately cause death or serious bodily injury to the officer or another person or themselves,
- When the youth is near other youth and/or innocent persons who may be injured by discharging the firearm.

Prohibited Uses of Force/Tactics on Youth When Deadly Force Not Justified

- Chokehold or carotid restraint either by hand or by using a weapon such as a baton,
- Head strikes using fists or weapons including flashlight, weapon stock, or weapon handle,
- Use of fists or weapons including a flashlight, weapon stock, or weapon handle to strike youth on their neck, sternum spine, groin, or kidneys,
- Kneeing or kicking a youth in the head, neck, back, or torso,
- Placing the officer's knee onto a youth's neck or back when the youth is supine, prone, or restrained,
- Sitting or other use of body weight on youth who are in a supine, prone or restrained position,

- Deployment of canines to pursue, apprehend or attack youth.⁹

Vehicle Pursuits

Officers shall not engage in high speed pursuit of vehicles driven by a youth whose age is objectively apparent or reported to a reasonable officer. Officers shall not fire at a vehicle involved in a high speed pursuit when the officer cannot control the risks of doing so, and when other occupants of the vehicle are not engaging in behavior that would justify use of force.

Prohibited Uses of Restraints on Youth

Officers shall not use:

- Hogtying,
- Handcuffs or plastic ties (flexicuffs) on the ankles, wrists and arms of youth under the age of 13.

V. Standards of Use & Restricted Use of Restraints & Weapons

As the level of force rises, so does the officers' duty of care to consider the short and longterm impact of the use of restraints, weapons and force on youth, in the context of their heightened duty of care to protect youth.

Use of restraints, weapons and force, must stop when youth demonstrate that they:

- Are compliant,
- Are not resisting,
- No longer pose a risk,
- Indicate that they cannot breathe or are in pain.

A. Firearm Weapons

Standard of Use of Firearms on Youth:

- The use of a firearm—drawn or pointed—at a youth is permitted only in the extremely rare and unlikely event that deadly force is used because no other alternative or less lethal option exists.
- Pointing is limited to situations where there is reasonable articulable suspicion for safely obtaining compliance

⁹ Baltimore Police Department Policy 1602, Canine Policy, at 6 (2023) (“Tactical Canine Deployment shall not be used to apprehend individuals under the influence of drugs and/or alcohol, persons with behavioral health disabilities or in behavioral health crisis, youth & children, visibly pregnant women, elderly persons, or other subjects who likely pose no immediate threat of serious injury to the member or others.”)

See *USE OF FORCE, next page*

USE OF FORCE, from page 10

and protection from youth reaching for a weapon.

- Where feasible, officers must:
 - de-escalate the situation;
 - assess the totality of the circumstances and determine whether the use of the firearm is reasonable, necessary and proportional,
 - assess whether the risk of use of the weapon in the situation (e.g. playground) puts others at risk,
- Officers shall give a verbal warning that a firearm will be discharged and repeat the warning.
- Officers may draw a firearm in the low ready position only when the officer’s assessment of the totality of the circumstances suggests that the situation may evolve to where deadly force would be authorized:
 - As soon as the officer realizes deadly force is not authorized, the officer shall lower or re-holster the gun.
- Officers must report any instance in which they point and draw a firearm at a youth.

B. Electronic Control Weapons/Conducted Energy Weapons (CEWs)

Standard of Use with Youth:

- Have not committed an offense,
- CEWs shall not be used on youth under the age of 14,
- A CEW shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation,
- Only one officer at a time shall deploy a CEW on a youth; unless the first deployed weapon fails, officers should not intentionally deploy multiple CEWs on the same youth,
- If officers see other officers using a CEW on the youth, they shall immediately stop use of their own CEW.

Restricted Uses With Youth

- CEWs should not be used in circumstances that would not otherwise justify intermediate levels of force.
- A CEW should not be used in the following circumstances, where youth:
 - Have not committed an offense,
 - Are suspects fleeing the scene,
 - Are handcuffed or otherwise restrained,
 - Are on an elevated surface (e.g., a ledge, scaffold, near a precipice,

etc.) and are at risk of falling, unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net),

- Are operating a car, scooter, bicycle, ATV, motorized bike, or other moving vehicle.

Prohibited Uses

- For expediency (e.g. to avoid running after a suspect),
- CEWs shall not be used on youth under the age of 14,
- Officers shall not target the head, neck, chest, or genitals of youth,
- Multiple deployments of a CEW on a youth, e.g. 3 times in less than 30 seconds, and/or 3 or more deployments of the CEW where exposure exceeds 15 seconds, due to the significantly increased risk of serious bodily injury or death to youth,
- Officers shall not apply a CEW in drive stun mode, by which an officer discharges the CEW by directly placing it against the skin of a youth.

C. Extended Range Impact Weapons (ERIWs):

Standard of Use on Youth

- Push, jab, poke or hit; maintain distance.

Restricted Use of Youth:

- Applying leverage using ERW to stop movement.

Prohibited use on Youth:

- On youth’s face, head, neck, throat, spine, groin, or heart area,
- Use of an ERIW with such force that severe bruising, internal bleeding, damage to internal organs and head injuries is foreseeably likely,
- Use in neck-holds that restrict breathing and risk injury or death when the airway is compressed, as well as damage to the larynx, trachea and thyroid bone,
- Use of a baton on a youth who is already restrained or otherwise not resisting.

D. Impact Weapons (IW)

Standard of Use on Youth

- Use on the buttocks, thigh, calf, and large muscle groups,
- After firing an IW, the officer shall assess the effectiveness of the IW after each shot,

Restricted Use on Youth

- IWs should only be used at ranges consistent with the IW’s manufacturer guidelines,

- At a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net),
- Aiming a IW at the face, head, chest, groin or neck of a youth, unless there is an immediate risk to officer’s or other’s safety.

E. Handcuffs

Standard of Use with Youth

- Officers will only use handcuffs or other restraints as part of the arrest process when necessary to ensure the safety of the youth or others,
- Officers shall consider the totality of circumstances when determining whether to use handcuffs or other restraints, as they may trigger a traumatic response in a young person,
- There is a presumption against using restraints for arrested youth who are:
 - Under 13 years old, unless the youth presents a danger to themselves or others, or
 - Charged with non-violent offenses, or
 - Complying with officers’ instructions.

- When officers have adhered to the use of handcuffs set forth in the arrest policies in Policy 3: Arrest, Transport, Booking, and Temporary Custody, they are permitted to restrain youth whose wrists are too small for handcuffs using plastic flexicuffs so long as they do not impinge on the circulation and nerves and do not rip or otherwise harm the youth’s skin. Since these youth are likely to be young and pose a reduced level of threat, the reasons for the use of flexicuffs should be clearly articulable,
- The reason for use of handcuffs shall be explained to the youth being handcuffed and to the parent/family member,
- Handcuffs shall be removed as soon as practical.

Prohibited Use of Handcuffs on Youth

- For purposes of attaching youth to a fixed or stationary object (e.g. pole, fence, radiator, banister),
- When the youth is unsupervised by an officer, or
- When the youth has a medical condition where restraints could interfere with the condition or the youth’s breathing,
- By an officer who does not have keys to release a youth from handcuffs,

See USE OF FORCE, next page

USE OF FORCE, from page 11

- When handcuffs do not fit, officers shall not:
 - Place both wrists in one cuff,
 - Apply the handcuffs to a youth's upper arms/shoulder area.

F. Oleoresin Capsicum (OC) Spray

Standard of Use with Youth

- Sole use is to stop interactions and cause youth to disengage,
- Officers must avoid or minimize use of OC spray that causes incidental exposure to non-involved persons,
- Officers are obligated to assist youth to remove the OC spray from their system by providing access to clear water to rinse eyes and face, and/or bringing the youth to an emergency room or another provider of urgent care.

Restricted Uses

- Where feasible, officers should avoid deploying OC spray in an enclosed, highly populated space (e.g. a school) where there is a likelihood of impacting uninvolved persons.

Prohibited Uses

- Use on a youth under the age of 13,
- Use on a youth who is in restraints,
- Application directly in the face, nose or eyes,
- Application with youth known to have asthma.

G. Noise Flash Diversionary Devices (NFDD)

Standard of Use When Youth May Be in a Targeted Area

- Officer should avoid use of the NFDD when youth are in the targeted area,
- Officers should evacuate any youth in the vicinity of an NFDD being used,
- When officers cannot evacuate a youth in the proximity of the NFDD they should arrange for an ambulance to be available to provide medical services if necessary.

Restricted Use When Youth May Be Nearby

- Use of the NFDD in a home or building where youth are likely to be present should be a choice of last resort,
- When the youth might pick up the device.

VI. Obligation to Render Care to Youth After Use of Force, Restraint or Weapon:

A. As part of officers' obligation to preserve and protect the life of youth, officers must immediately render medical aid or ensure access to emergency medical treatment for any youth who is injured as a result of officers' use of force, weapons and restraints.

B. Following any use of force, officers must assess whether the youth is hurt.

1. If an officer perceives the use of force has resulted in an injury, the officer shall directly provide medical assistance, immediately request emergency medical response, or bring the youth to a hospital prior to booking the youth.
2. The officer shall notify a supervisory officer where the youth is being transported and why.
3. A member of the team or a supervisor will immediately notify the parent of the youth about the injury and the facility to which the youth is being brought.
4. If a youth claims injury or requests medical attention the officers shall immediately render medical assistance or request an emergency medical response.

C. Officers have an affirmative obligation to render aid after use of these weapons:

1. Oleoresin Capsicum (OC) spray
 - Officers shall personally assist or make available a health care professional to any youth on whom OC has been used by flushing out their eyes with clean water, ventilating the area, and removing any clothing that may continue to trigger reaction.
2. Conducted Electronic Weapons (CEWs)
 - Officers shall first ensure that the youth is conscious.
 - Officers shall immediately arrange for a paramedic or EMT to remove CEW probes.

VII. Routine, Rigorous, Regular Training

All officers and supervisors shall attend training on use of restraints, weapons and force policies and practices on youth as part of the agency's defensive tactics training. Training should include:

- A review of all policies,
- Scenario-based examples and role plays in which youth of various ages and sizes are considered,
- A role for community partners, such as youth on whom force has been used,

- Where possible, the participation of emergency room doctors, pediatricians, or psychologists to discuss the physical and psychological impacts of use of force on youth,
- Cultural competency in training design and implementation, with the goal of increasing officers' understanding of disproportionately impacted communities, and how racialized experiences of policing and the criminal legal system may impact youth interactions with law enforcement.

Supplementary Materials

This appendix contains additional source and background information for Policy 5: Use of Force with Youth.

The Lack of Youth-Specific Policies and Training May Lead to Unnecessary and Unreasonable Use of Force Against Youth

U.S. DEP'T OF JUST., INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT 14-15, 22-24, 38-40 (2023) [hereinafter *INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT*]

https://www.justice.gov/d9/2023-06/minneapolis_findings_report.pdf

DOJ found that the Department engaged in "unnecessary, unreasonable, and harmful uses of force" in interacting with youth, often due to officers' failure to de-escalate these encounters. "Adolescence is a key stage of development in which young people tend to be more impulsive and have more difficulty exercising judgment than adults, especially in emotionally heightened situations. These normal characteristics of adolescence increase the chances that encounters with police will involve conflict because, in the stress of a police encounter, youth may have difficulty thinking through the consequences of their actions and controlling their responses. Without adequate guidance about child and adolescent development and how to approach encounters with young people, officers may be more likely to misinterpret behaviors of youth and potentially escalate the encounter." *Id.* at 22.

U.S. DEP'T OF JUST., INVESTIGATION OF BALTIMORE CITY POLICE DEPARTMENT, 85-87 (2016) [hereinafter *INVESTIGATION OF BALTIMORE CITY POLICE DEPARTMENT*]

https://www.justice.gov/d9/bpd_findings_8-10-16.pdf

DOJ found that the Department frequently used unreasonable force against youth, failed to implement "widely accepted techniques and tactics" for engaging with youth, and needed to provide "detailed and comprehensive policy guidance and training" for youth interactions. "Research has established that adolescent development affects the manner in which juveniles comprehend, communicate, and behave. These unique realities of adolescent development warrant specific policies and tactics for officers' interactions with juveniles." *Id.* at 87.

See USE OF FORCE, next page

USE OF FORCE, from page 12

Age and Youth Development are Relevant in Determining Whether the Use of Force is Reasonable

INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT, *supra*, at 23.

DOJ criticized the Department's use of force policy for failing to "meaningfully account for a child's age, size, and development with respect to specific use of force tools or tactics."

INVESTIGATION OF BALTIMORE CITY POLICE DEPARTMENT, *supra*, at 86.

"We found that BPD officers engage in unnecessary and excessive force with youth and fail to adjust their tactics to account for the age and developmental status of the youth they encounter." *Id.* Court decisions recognize "that an individual's age can be a factor in whether the force used against them was reasonable. See *Graham v. Connor*, 490 U.S. 386, 396 (1989) ("the test of reasonableness . . . requires careful attention to the facts and circumstances of each particular case. . . ."); *Doe ex rel. Doe v. Hawaii Dep't of Educ.*, 334 F.3d 906, 909–10 (9th Cir. 2003) (noting that Plaintiff "was eight years old" in analysis under *Graham* of whether force was reasonable); and *Ikerd v. Blair*, 101 F.3d 430 (5th Cir. 1996) (finding that a reasonable jury could conclude a deputy used excessive force where a 300-pound officer "violently jerked" a ten-year-old child, out of her chair and into another room)." *Id.*

Youth Development Affects Interactions with Law Enforcement and the Likelihood of Use of Force

Denise C. Herz, *Improving Police Encounters with Juveniles: Does Training Make a Difference?*, 3 JUST. RSCH. & POL'Y 57, 59 (2001).

"Juvenile developmental characteristics such as impulsivity, self-centeredness, and resistance to authority increase the chances that police–juvenile encounters will involve conflict, disrespect, and confrontational behavior. These behaviors, in turn, potentially escalate the encounter and affect a police officer's interpretation of the situation and ultimately his/her course of action."

How Youth Perception of Time Changes Under Stress

Fangbing Qu et al., *DEVELOPMENT OF YOUNG CHILDREN'S TIME PERCEPTION: EFFECT OF AGE AND EMOTIONAL LOCALIZATION* 12 *Front Psychol.* 1 (2021)

In research about children's perception of time, "negative stimuli, especially those that are threatening, have a strong relationship with human adaption, and thus easily activate one's protecting mechanisms. Compared with neutral and happy faces, angry faces were always estimated as lasting for a longer duration in previous research. Angry faces were even judged to last for a longer duration than fearful faces. These emotional effects were explained by the fact that the perception of angry faces is arousing. This prepares the body for action and therefore accelerates the biological clock mechanism. When angry faces are perceived, the internal clock is therefore thought to generate more biological units (pulses and oscillators); with the result that time is judged to last for a longer duration." *Id.*, at 2.

Kathryne van Hedger et al., *The Influence of Social Stress on Time Perception and Psychophysiological Reactivity*, 54 *PSYCHOPHYSIOLOGY* 706, 706–12 (2017).

The authors noted past research finding that "[t]hreatening, negative, or fearful stimuli tend to give rise to a feeling that time is slowing down or expanding" at the time of the threatening or negative stimulus, and reported the results of their own study, which indicated that this "time distortion" also takes place after a person has been subjected to a threatening or negative stimulus.

Sandrine Gil et al., *Anger and Time Perception in Children*, 7 *EMOTION* 219, 219–25 (2007).

This findings of this study indicate that children as young as three years old who are exposed to angry faces experience a "distortion of time perception," in which the child perceives the angry face as lasting longer than a neutral face, and experiences an "overestimation" of time.

Racial and Ethnic Disproportionality in Law Enforcement Use of Force with Youth

Desmond Ang, *The Effects of Police Violence on Inner-City Students*, 136 *Q.J. ECON.* 115, 115 (2021)

This study conducted in Los Angeles found that exposure to police violence led to persistent decreases in GPA, increased incidence of emotional disturbance and lower rates of high school completion and college enrollment for Black and Latino youth.

Gia M. Badolato et al., *Racial and Ethnic Disparities in Firearm-Related Pediatric Deaths Related to Legal Intervention*, 146 *PEDIATRICS* 42 (2020)

Based on 16 years of data from the Centers for Disease Control and Prevention, Black and Hispanic adolescents ages 12–17 are "disproportionate victims in fatal police shootings." Researchers found that 140 adolescents died from "legal intervention" during the time period studied, and that 131 of those deaths (92.9%) involved firearms. *See id.* The "firearm-related mortality rates due to legal intervention" per 1,000,000 youth were 0.15 for non-Hispanic white youth, .88 for non-Hispanic Black youth, and .41 for Hispanic youth. *See id.*

Black Children are Six Times More Likely to be Shot to Death by Police, EQUAL JUST. INITIATIVE (DEC. 2, 2020)

<https://eji.org/news/black-children-are-six-times-more-likely-to-be-shot-to-death-by-police>

Black children were six times more likely to be shot to death by police than white children and Hispanic children's risk of death was almost three times higher than that of white children.

Helen Wiewfering et al., *Tiny Wrists in Cuffs: How Police Use Force Against Children*, ASSOCIATED PRESS (OCT. 20, 2021)

<https://apnews.com/article/arrests-george-floyd-chicago-only-on-ap-82193c995f313f5c0aefb0c08e0d5091>

In an analysis conducted between 2010 and 2021 of 3,000 incidents involving use of force against youth under 16, Black youth were more than 50% of those subjected to force despite being only 15% of the U.S. child population.

Abbie Vansickle and Weihua Li, *Police Hurt Thousands of Teens Every Year: A Striking Number are Black Girls*, THE MARSHALL PROJECT (NOV. 2, 2021)

<https://www.themarshallproject.org/2021/11/02/police-hurt-thousands-of-teens-every-year-a-striking-number-are-black-girls>

This article reported the results of an analysis of data from 2015 to 2020, where out of the nearly 4,000 youth who were subjected to force by six large police departments, approximately 55% of those incidents involved Black boys and approximately 20% involved Black girls.

Data on Law Enforcement Use of Force Against Youth

Web-based Injury Statistics Query and Reporting System, CTR. FOR DISEASE CONTROL & PREVENTION

<https://www.cdc.gov/injury/wisqars/index.html>

172,272 children aged 5 to 18 were brought to emergency rooms for nonfatal injuries resulting from "legal intervention" between 2001 and 2020.

WISQARS Fatal and Nonfatal Injury Reports, CTR. FOR DISEASE CONTROL & PREVENTION

<https://wisqars.cdc.gov/reports/>

This report documents injury counts and rates per 100,000 people in the United States. The data cited in Policy 5 on youth aged 5 to 18 being brought to emergency rooms for nonfatal injuries resulting from "legal intervention" can be obtained by selecting "Change Filters", then Data Years: 2001 to 2020, then Intent: Legal Intervention, then Age: "Custom Age Range", 5 to 18.

Herz, *supra*, at 58

"National data indicates that police encounters with juveniles are more likely to be police initiated and more likely to result in police use of force than are encounters with members of other age groups."

Wiewfering et al., *supra*.

In an analysis of 3,000 incidents involving use of force against youth under 16 between 2010 and 2021, the most common types of force were takedowns, strikes, and muscling, followed by firearms pointed at or used on youth. *See id.* Other tactics, such as the use of pepper spray or police canines were also used, although less frequently. *See id.*

STRATEGIES FOR YOUTH, COMMON SENSE, COMMON GROUND, COMMON GOALS 7 (2016)

https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/07/SFY_Case_Statement_062117.pdf

Youth aged 16–19 represent just 7.5% of total law enforcement contacts, but 30% of law enforcement contacts involving use of force; when an officer–youth interaction involves force, the force is initiated by the officer 80% of the time.

Dangers to Youth from Flash Bang Grenades

Samantha Michaels, *Brett Rosenau Is the Latest Child Killed in a Botched SWAT Raid*, MOTHER JONES (JULY 14, 2022)

<https://www.motherjones.com/crime-justice/2022/07/brett-rosenau-police-swat-raid-flash-bang-grenade>

The article discussed the case of a 15-year-old killed in raid where SWAT teams used flash bang grenade and chemical irritants, and described other incidents where youth were killed or maimed when grenades were used.

See USE OF FORCE, next page

USE OF FORCE, from page 13

Mary M. Chapman & Susan Saulny, *Tragedy in Detroit, with Reality TV Crew in Tow*, N.Y. TIMES (MAY 21, 2010)

<https://www.nytimes.com/2010/05/22/us/22detroit.html>

This article discussed case of six-year-old killed by SWAT team flash-bang grenade.

Kevin Sack, *Door-Busting Drug Raids Leave a Trail of Blood*, N.Y. TIMES (MAR. 18, 2017)

<https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html>

This article described injuries to a six-month-old from flash bang grenades in an article about “dynamic entry” raids that have “led time and again to avoidable deaths, gruesome injuries, demolished property, enduring trauma, blackened reputations and multimillion-dollar legal settlements at taxpayer expense.”

Steve Vockrodt, *KCPD Settles Lawsuit Over ‘Plainly Incompetent’ Raid on Home with Flash-Bang Grenade*, KAN. CITY STAR (OCT. 28, 2019)

<https://www.kansascity.com/news/local/crime/article236664783.html>

This article described the settlement of case brought by parents of two-year-old girl and her 84-year-old grandparent who were traumatized when officers tossed flash bang grenade into their home.

Paul Clinton, *The Hazards of Flash Bangs*, POLICE MAG. (FEB. 27, 2011)

<https://www.policemag.com/blogs/swat/blog/15317989/the-hazards-of-flash-bangs>.

“[I]t should be pointed out that diversionary devices, or ‘flash-bangs,’ pack a punch—heat exceeding 1,000 degrees Fahrenheit, a blast reaching 175 decibels and a flash of 1 million Candle-power. As such, safe handling of them is a must.”

Dangers to Youth from Canines

POLICE EXEC. RSCH. F., GUIDANCE ON POLICIES AND PRACTICES FOR PATROL CANINES 20 (2020)

<https://www.policeforum.org/assets/Canines.pdf>

The use of canines to search and apprehend individuals is permitted for a subject “who is wanted for a misdemeanor and is reasonably suspected to be armed or is wanted for a serious felony, except that a canine shall not be used to apprehend known juvenile suspects who pose no immediate threat of serious injury to members on the scene.”

Randall T. Loder & Cory Meixner, *The Demographics of Dog Bites Due to K-9 (Legal Intervention) in the United States*, 65 J. FORENSIC & L. MED. 9, 9-14 (2019)

Police dog bites sent roughly 3,600 people to emergency rooms each year from 2005 to 2013; almost all individuals who were bitten were male and Black men were overrepresented.

Bryn Stole & Grace Toohey, *The City Where Police Unleash Dogs on Black Teens*, THE MARSHALL PROJECT, (Feb. 12, 2021)

<https://www.themarshallproject.org/2021/02/12/the-city-where-police-unleash-dogs-on-black-teens>.

Between 2017 and 2019, in Baton Rouge, Louisiana, reporters found that police dogs bit at least 146 people, including, 53 people who were 17 years

old or younger, with the youngest just 13 years old. *See id.* During this period, police dogs in Baton Rouge bit teenagers on average once every three weeks. *See id.* Reporters also found that almost all of the people bitten by police dogs were Black, and most were “unarmed and suspected by police of nonviolent crimes like driving a stolen vehicle or burglary.” *See id.* Reporters described the Baton Rouge Police Department as “an extreme outlier,” compared with other police departments, in how frequently it used dogs to subdue teenagers. *See id.*

Ryan Martin et al., *The City Where Someone was Bitten by a Dog Every Five Days*, THE MARSHALL PROJECT, (OCT. 11, 2020)

<https://www.themarshallproject.org/2020/10/11/the-city-where-someone-was-bitten-by-a-police-dog-every-5-days>.

An investigation into the use of police canines in Indianapolis, Indiana, made the following findings: (1) 15% of individuals bitten were youth and of that 15%, 75% of these youth were Black; (2) nearly 60% of people who had been bitten were suspected in only low-level and non-violent crimes or traffic infractions; (3) more than half of the people who were bitten were Black, a disproportionately high number for a population that makes up just 28% of the city; and (4) at least 65% of those bitten were unarmed and did not act violently, contradicting the police department’s stated reasons for using dogs. *See id.*

Use of Canines by Police from a series of articles by The Marshall Project & the Invisible Institute:

- **Abbie VanSickle et al., *Mauled, When Doges are Weapons***, THE MARSHALL PROJECT (OCT. 15, 2020)

<https://www.themarshallproject.org/2020/10/15/mauled-when-police-dogs-are-weapons>.

- **Abbie VanSickle et al., *When Police Violence is a Dog Bite***, THE MARSHALL PROJECT (OCT. 2, 2020)

<https://www.themarshallproject.org/2020/10/02/when-police-violence-is-a-dog-bite>.

- **Ashley Remkus, *We Spent a Year Investigating Police Dogs: Here are 6 Take-aways***, THE MARSHALL PROJECT (OCT. 2, 2020)

<https://www.themarshallproject.org/2020/10/02/we-spent-a-year-investigating-police-dogs-here-are-six-takeaways>.

Dangers to Youth from the Use of Conducted Electrical Weapons

Brown v. Lower Swatara Twp Police Dep’t, No. 1-23-CV-373, 2023 WL 551223, (D. PA. AUG. 25, 2023).

In *Brown*, the court refused to dismiss a case where a youth alleged he was tased by a School Resource Officer employed by the local police department, reasoning the jurisdiction’s Use of Force Policy “does not provide guidance to officers on the use of force, and specifically the use of tasers, against minors in the school setting.” *Brown*, 2023 WL 551223, at *7. The youth asserted that “the need for a policy or guidance specifically tailored to the use of force against minors in schools, particularly when SROs are equipped with tasers, was so obvious that the failure to enact one amounted to deliberate indifference and resulted in harm to [the youth].” *Brown*, 2023 WL 551223, at *6.

INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT, *supra*, at 23

“A taser poses a serious risk of physical and emotional trauma to a young person, including cardiac and respiratory injury, burns, musculoskeletal complications.” (citing U.K. DEF. SCI. ADVISORY COUNCIL SUB-COMM. ON THE MED. IMPLICATIONS OF LESS-LETHAL WEAPONS (DOMILL), STATEMENT ON THE MEDICAL IMPLICATIONS OF USE OF THE TASER X26 AND M26 LESS-LETHAL SYSTEMS ON CHILDREN AND VULNERABLE ADULTS, 4, (Jan. 27, 2012)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/443842/DOMILL14_20120127_TASER06.2.pdf

INT’L ASS’N CHIEFS POLICE L. ENF’T POL’Y CTR., ELECTRONIC CONTROL WEAPONS 3 (2023)

<https://www.theiacp.org/sites/default/files/2023-09/Electronic%20Control%20Weapons%20-%202023.09.pdf>

“The ECW is one of the most commonly used forms of force, but as with any use of force, it is not without potential risk and controversy. However, the information presently available suggests that ECWs do not create an unreasonable risk as compared to their potential benefit when used reasonably and in consideration of the totality of circumstances presented. However, officers should be aware that, as with any use of force, certain individuals may have an increased risk of a negative outcome when exposed to an ECW. These elevated risk population groups include those individuals who reasonably appear or are known to be elderly, medically infirm (e.g., heart disease, seizure history), pregnant, users of an internal cardiac device, or have low body mass, such as small children or very thin individuals. Added caution may be warranted when using ECWs against these population groups. Training should be provided on methods of securing a subject during and following the ECW cycle and on appropriate follow-up procedures, including when medical attention may be necessary.”

JOHANNA WALD & LISA H. THURAU, ESQ., 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

Conducted Electrical Weapons are particularly dangerous for children and youth because their brains and bodies are not fully developed.

Rod McCullom, *How Often Do Police Use Tasers On Teens? Experts Want More Data*, UN DARK (MAY 5, 2021)

<https://undark.org/2021/05/05/convictions-data-taser-use-teens>

“[T]here is a surprising lack of data around how children and teens are affected by Taser exposure. While some studies suggest that adolescents are not at higher risk than adults, the literature is decidedly limited, and some researchers want to know more. Further, there is little data on when, where, and how many youths are exposed, with regulations and data collection varying by state. What little data do exist suggest that African American children, teenagers, and youths are

See USE OF FORCE, next page

USE OF FORCE, from page 14

overrepresented among young people who are shocked by Tasers.”

Chokeholds

U.S. DEP’T OF JUST., MEMORANDUM ON CHOKEHOLDS AND CAROTID RESTRAINTS; KNOCK & ANNOUNCE REQUIREMENT 1-2 (2021)

<https://www.justice.gov/dag/page/file/1432531/download>

This memorandum prohibits federal law enforcement from using chokeholds and the carotid restraint technique “unless deadly force is authorized,” limits the circumstances in which federal agents may seek to enter a dwelling pursuant to a warrant

without knocking and announcing their presence. The use of chokeholds and carotid restraints “by some law enforcement agencies to incapacitate a resisting suspect has too often led to tragedy. Chokeholds apply pressure to the throat or windpipe and restrict an individual’s ability to breathe. The carotid restraint technique restricts blood flow to the brain causing temporary unconsciousness. It is important that Department law enforcement components have an articulated policy in this area because these techniques are inherently dangerous.” *Id.* at 2.

State Legislation on Law Enforcement Use of Force

Nat’l Conference of State Legislatures, *Law Enforcement Legislation: Significant Trends 2022 (2022)*

Law Enforcement Legislation - Significant Trends 2022 (ncsl.org).

Since May 2020 at least 25 states and Washington, D.C. have enacted legislation limiting the use of neck restraints, and at least 20 states addressed state level standards for use of force. States have also created affirmative statutory duties for officers to intervene in, and report on, instances of excessive force or other violations of an individual’s rights. Some of these new duties come with protections against retaliation or discipline for intervening and require discipline, termination or decertification for failing to act. In addition, since May 2020, 26 states have enacted 46 bills related to data collection and transparency, including seven states that have required public-facing databases for use of force information. ■