

**Proposed Agency Certification Standards for
Juvenile Operations Standards
Submitted by Strategies for Youth
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XXX CMR XXX: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS
Section

XX:XX: Definitions

The following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

Agency. A Law Enforcement Agency as defined in M.G.L. c. 6E, § 1.

Bias-free policing. Bias-free policing as defined in M.G.L. c. 6E, § 1.

Commercial Sexual Exploitation of Juveniles. A situation in which an adult: 1) Recruits, entices, harbors, coerces, or controls sex acts of a juvenile for the adult's benefit; 2) Coerces or controls the sex acts of a juvenile in exchange for money, shelter, food, drugs, clothing, or anything of value to a child; or 3) Exploits a juvenile to engage in pornography or perform in sexual venues.

Commission. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

De-escalation Tactics. De-escalation Tactics as defined in M.G.L. c. 6E, § 1 and 555 CMR. 6.03.

Developmentally Appropriate. Developmentally appropriate policing requires that officers understand the unique social, emotional, physical, neurological, behavioral, and moral aspects of development in juveniles and adjust their policing practices accordingly.

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.

Disability. A physical or mental impairment that substantially limits one or more major life activities, including caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Diversion. A decision or program to address a juvenile’s alleged delinquent conduct or status offense without involving the youth formally in the juvenile criminal system, using through programming, supervision, and supports in an effort to prevent reoffending, maintain youth connectedness in the community, and avoid stigma and additional trauma.

Encounter. An incident, interaction, event, or occurrence between an officer and a juvenile.

Force. Force as defined in 555 CMR 6.03.

Mental Health Crisis. An event or experience in which an individual’s normal coping mechanisms are over whelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like panic attacks, vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including a “freeze, fight, or flight” response. Any individual can experience a crisis reaction regardless of previous history of mental illness.

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

Juvenile or Youth. Any person under the age of 18.

Parent. The juvenile’s biological or adoptive parent, guardian, or legal custodian

Interested adult. Any adult related to the juvenile by blood, adoption, or marriage, or who has an established familiar or mentoring relationship with the juvenile, who does not exhibit adverse interests to the juvenile.

School Resource Officer. School Resource Officer as defined in 555 CMR 10.00

Status Offense. An offense committed by a juvenile that would not be criminal if committed by an adult.

Trauma. The result of 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 Agency. A trauma-informed 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.

Trauma-informed Officer. 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.

XX.XX: Standards

All agencies shall develop and implement written policies on the following topics that meet or exceed the following standards.

(1) An agency's juvenile operations policy shall:

(a) Address all interactions between law enforcement officers and juveniles, including at least:

- i. Investigatory stops;
- ii. Arrest, transport, booking, and temporary custody;
- iii. Juvenile Miranda warnings, waiver of rights, and interrogations;
- iv. Use of force with juveniles;
- v. Bias-free policing of juveniles;
- vi. Policing of juveniles with disabilities, experiencing mental health crises, or impaired by drugs or alcohol;
- vii. Juveniles who are vulnerable due to the arrest of parents or other caregivers;
- viii. Juveniles present during the execution of residential search warrants;
- ix. Juveniles subjected to commercial sexual exploitation;
- x. Encounters with students;
- xi. Data collection; and
- xii. Transparency and accountability.

(b) Emphasize the dignified and respectful treatment of any juvenile involved in or witness to an encounter with law enforcement.

(c) Direct officers to implement their agency's juvenile operations policy and sub-policies in a manner that is fair and unbiased.

(d) Direct officers, when time and circumstances reasonably permit, to consider whether a juvenile's apparent negative reaction to or lack of compliance with the officer is a deliberate attempt to resist an officer's authority or is based on non-criminal factors including:

- i. Mental illness;
- ii. Developmental disability;
- iii. Medical condition
- iv. Physical limitation;
- v. Language and cultural barriers;
- vi. Cultural reasons;
- vii. Emotional, personal or trauma-based crisis;
- viii. Fear, panic, or acute anxiety;
- ix. Confusion or lack of comprehension;
- x. Drug or alcohol influence;
- xi. The legacy of policing on vulnerable populations; and
- xii. The agency's history with the public.

(e) Employ developmentally and age appropriate, trauma-informed, racially equitable, and culturally relevant de-escalation tactics including:

- i. Using a calm and natural demeanor;
- ii. Avoiding threats and threatening language that is likely to |escalate an encounter; and
- iii. Other tactics consistent with the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021)*.
- iv. Require that all officers receive initial and ongoing training on how to engage in developmentally appropriate, trauma-informed encounters with juveniles and on all aspects of the agency's juvenile operations policy.

(2) Investigatory stops of juveniles. An agency's juvenile operations policy shall:

(a) Direct officers that an investigative stop of a juvenile is only permitted when an officer has reasonable articulable suspicion that the juvenile has committed, is committing, or is about to commit a delinquent act or status offense;

(b) Direct officers that a juvenile's behavioral responses to an investigative stop cannot, standing alone, provide a basis for reasonable suspicion;

(c) Include a sub-policy on non-custodial interviews during investigatory stops that:

- i. Directs officers to engage juveniles using developmentally appropriate language;
- ii. Directs officers to inform a juvenile subjected to an investigatory stop that the juvenile is not in custody;
- iii. Directs officers to explain to juveniles the reason for the investigatory stop;
- iv. Directs officers to terminate an investigatory stop if questioning determines that there is no reasonable suspicion that the juvenile is involved in a delinquent act or status offense;
- v. Directs officers to comply with the agency's policy on custodial interrogation of juveniles when a reasonable juvenile who is the subject of an investigatory stop would not feel free to terminate the encounter;
- vi. Advises officers when to notify the parent or other interested adult of a juvenile who is involved in an investigatory stop when:
 - (A) the officer intends to physically transport the juvenile from the scene of the non-custodial interview or,
 - (B) the juvenile requests that a parent or other interested adult be present
- vii. Prohibits officers from cursing at or using derogatory language with a juvenile during an investigatory stop; and

- viii. Prohibits officers from offering the juvenile anything of value in return for agreeing to serve as a confidential informant.

(d) Include a sub-policy on the weapons pat-downs and searches of juveniles arising out of an investigatory stop that:

- i. Directs officers that weapons pat-downs are only permitted when an officer has reasonable articulable suspicion that the juvenile is armed and dangerous;
- ii. Directs officers to explain to juveniles the reason for the weapons pat-down and how the officer will conduct it;
- iii. Directs officers that if during an investigatory stop, probable cause, or another basis, for a search of the juvenile arises, the officer shall explain to the juvenile the reasons for the search and how the officer will conduct it, including at least whether the juvenile will be handcuffed during the search and whether it is feasible for the juvenile to be searched by an officer of the same gender as the juvenile;
- iv. Directs officers to presume youth cannot provide knowing, voluntary, or intelligent consent to searches;
- v. Directs officers to determine the juvenile's capacity to understand an officer's request to search to ensure that the consent is voluntary, intelligent and knowing; and
- vi. Prohibits strip searches of juveniles during the stop;

(e) Include a sub-policy on the use of redirection, referrals, diversion and other alternatives to arrest when the officer believes there is reasonable cause that the juvenile has committed a nonviolent misdemeanor offense; and

(f) Include a sub-policy on the use of alternatives to arrest, such as those listed in (e), when the juvenile is suspected of committing a civil infraction, a violation of any municipal ordinance or town by-law or a first offense of a misdemeanor for which the punishment is a fine, imprisonment in a jail or house of correction for not more than 6 months or both such fine and imprisonment, as provided in M.G.L. c.119, § 52.

(3) Juvenile Arrest, Transport, Booking, and Temporary Custody. An agency's juvenile operations policy shall:

- (a) Direct officers wherever possible to avoid arresting juveniles for petty or minor offenses such as fleeing, disturbing the peace, disorderly conduct, obstruction of justice, or failure to obey;
- (b) Direct officers to comply with the legal presumption against taking juveniles into custody for status offenses and other noncriminal offenses, absent a valid legal reason;
- (c) Direct officers to provide or seek medical care without delay for any arrested juvenile who has an injury or illness as a result of the use of force or chemical agents;
- (d) Direct officers to comply with a presumption against using handcuffs/flexicuffs or other restraints on arrested juveniles younger than 12 years old unless necessary to ensure the safety of the juvenile or others;
- (e) Include a sub-policy on transporting arrested juveniles that encourages officers to avoid transporting arrested juveniles in the same vehicles as adults, and to avoid transporting male and female juveniles in the same vehicle;
- (f) Include a sub-policy on procedures for processing arrested juveniles once the juvenile is taken to an agency's booking room or processing facility;
- (g) Include a sub-policy directing officers to immediately notify a parent or other interested adult when a juvenile has been arrested; and
- (h) Include a sub-policy on holding juveniles in temporary custody that:
 - i. directs officers to comply with M.G.L. c. 119 § 67;
 - ii. directs officers to limit to no more than six hours the time a juvenile can be held in any adult jail or lock-up for the purposes of processing or releasing the juvenile, transferring the juvenile to a juvenile facility, or while awaiting transportation to a juvenile facility or court;
 - iii. directs officers to ensure that any juvenile held in an adult jail or lock-up is separated by sight and sound from adults while in an adult jail or lock-up;

iv. directs officers to keep juveniles in temporary custody under constant direct supervision and surveillance;

v. directs officers to provide or find medical assistance for any juvenile in temporary custody who appears to be ill or injured; and

vi. directs officers on the appropriate heightened level of supervision of juveniles in temporary custody who appear to be at high risk of harm, including juveniles who appear to be actively suicidal or experiencing a mental health crisis, including by transporting the juvenile to an appropriate hospital or other facility where the juvenile can receive necessary care;

(4) Juvenile Miranda Warnings, Waiver of Rights, and Interrogations. The agency's juvenile operations policy shall:

(a) Direct officers to provide Miranda warnings to any juvenile they intend to question who is in custody, under arrest and/or who would reasonably believe that they are not free to leave the officer's presence;

(b) Advise officers of the likely circumstances in which a juvenile would reasonably believe they are not free to leave the officer's presence;

(c) Direct officers to advise juveniles of their Miranda rights using developmentally appropriate language, and provide officers with guidance on how to do so;

(d) Include a sub-policy on the role of the arrested juvenile's parent or interested adult, in circumstances where a custodial interrogation will occur, that:

i. directs officers, for any juvenile younger than 14 years old, to have a parent or interested adult present prior to reciting any Miranda warnings and before any questioning begins;

ii. directs officers to notify any juvenile 14 years old or older, in developmentally appropriate language, of their right to have a parent or other interested adult present before being read their rights and before questioning begins;

- iii. directs officers on procedures to allow juveniles to contact a parent or interested adult;
 - iv. directs officers to allow juveniles the opportunity to consult with parents or interested adults in confidence;
 - v. permits parents or interested adults to be present during interrogations of juveniles absent objection by the juvenile or a conflict between the juvenile and the parent or interested adult;
 - vi. prohibits officers from accepting a parent's or interested adult's purported waiver of a juvenile's right to remain silent or right to be represented by an attorney;
- (e) Prohibit officers from interrogating a juvenile until the juvenile has had an opportunity to consult with an attorney;
- (f) Prohibit officers from accepting a juvenile's attempt to waive counsel before the juvenile has had an opportunity to consult with an attorney;
- (g) Direct officers that any juvenile's waiver of Miranda rights must be in writing, on a form that advises the juvenile, in developmentally-appropriate language, of their rights, the implication of the decision to waive their rights, and the declaration that they are or are not waiving their rights;
- (h) Direct officers on how to ensure effective communication with arrested juveniles who have limited English proficiency, or cognitive, neurodivergent, and/or developmental impairments;
- (i) Direct officers on the supervision of juveniles being held in interrogation rooms and the timing and duration of juvenile interrogations;
- (j) Direct officers on developmentally appropriate, trauma-informed methods of questioning interrogated juveniles;
- (k) Prohibit officers from using restraint, force, intimidation, threats, deception or deceit during juvenile interrogations;
- (l) Include a sub-policy on interrogation of juveniles with disabilities, juveniles in mental health crisis, or juveniles impaired by drugs or alcohol;

(m) Direct officers to record all juvenile interrogations with audio and video elements; and

(n) Direct supervisors to review officer reports and videos of juvenile interrogations to ensure compliance with the agency's policy.

(5) Use of Force with Juveniles. The agency's juvenile operations policy shall:

(a) Comply with the requirements of 555 CMR 13.00;

(b) Direct officers to assess:

i. The juvenile's characteristics, including apparent age, body size, and strength relative to the officer's strength;

ii. The juvenile's apparent capacity to communicate; and

iii. Indicators of any condition or factor set out in 555 CMR 13.03(1)(c)(5)a.i-xii

(c) Direct officers to avoid escalating encounters with juveniles, including by prohibiting officers from:

i. Approaching a juvenile without evaluating the situation;

ii. Approaching a youth with weapons drawn when the youth poses no known risk;

iii. Failing to provide adequate time for a youth to comply with commands, including by taking action before youth has understood the command;

iv. Making verbal threats to use force against youth or their friend/family member when there is no legitimate law enforcement purpose to do so;

v. Leaving insufficient physical space between an officer and the youth causing the youth to attempt to withdraw from the situation;

vi. Issuing multiple, contradictory commands, or from multiple officers, in a short period of time; and

vii. Humiliating, provoking, baiting or mocking youth.

(d) Direct officers to use developmentally appropriate communications strategies with juveniles, including limiting the number of officers who engage the juvenile in communication, and, whenever feasible, designating only one officer to issue directives to the juvenile;

(e) Direct officers to request and use available support and resources, including agency crisis intervention teams, agency teams specializing in interactions with juveniles, and other agencies or organizations with specialized training and experience in addressing the needs of juveniles with disabilities, in mental health crisis, or impaired by drugs or alcohol;

(f) Direct officers, when it is feasible and safe to do, to involve the juvenile's family, friends or others who can assist in explaining, avoiding escalation of, or de-escalating a situation, particularly when it appears that a juvenile cannot adequately communicate or comprehend the situation;

(g) Direct officers to identify themselves and warn juveniles before using force, restraint, or weapons;

(h) Prohibit officers from restraining youth face-down, with hands cuffed behind their back;

(i) Prohibit officers from using restraints on the ankles, wrists, and arms of juveniles who are younger than 13 years old;

(j) Specifically incorporate youth-specific standards in each sub-policy specified in 555 CMR 13.03(h), acknowledging potential risks that are specific to the developing body and brain; and

(k) Direct supervisors to review officer reports of use of force on juveniles to ensure compliance with the agency's policy.

(6) Bias-free policing of Juveniles. The agency's juvenile operations policy shall:

(a) Direct officers that in any encounters with juveniles, race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic status may not be used as a motivating factor for initiating law enforcement action against juveniles, unless the officer's policing decisions are based on a non-discriminatory law enforcement purpose or reason that: (1) is non-discriminatory; or (2) justifies different treatment; or (3)

considers a juvenile's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic status because such factors are an element of a crime;

(b) Prohibit officers from choosing to direct law enforcement actions against any juvenile because they are members of a racial or ethnic group that appears more frequently in local crime suspect data or live in an area primarily populated by members of a racial or ethnic group;

(c) Direct officers that they must be able to articulate specific facts and circumstances that support using race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic status in establishing reasonable suspicion or probable cause in stops, searches, or seizures of juveniles;

(d) Prohibit officers from demanding during investigatory stops that juveniles provide proof of nationality or country of birth;

(e) Prohibit officers from seeking information from juveniles about the immigration status of friends or family members;

(f) Prohibit officers from threatening deportation or other immigration sanctions against the juvenile or their families;

(g) Prohibit officers from using a juvenile's perceived sexual orientation, gender expression, or gender identity as prima facie evidence that the juvenile is committing, has committed, or is about to commit a crime or delinquent offense;

(h) Direct officers to address and treat juveniles using the names, pronouns, and courtesy titles appropriate to the juvenile's gender identity as expressed by the juvenile;

(i) Prohibit officers from inquiring about a juvenile's sexual practices, genitals, anatomy, or medical history;

(j) Prohibit officers from engaging in any sexual harassment or sexual overtures to or actions with juveniles;

(k) Prohibit officers from stopping, questioning, or arresting juveniles for using a gender-segregated restroom, locker room, or other gender-segregated space

based on the officer's belief that the juvenile's gender expression does not match the gender designation of the gender-segregated area;

(l) Direct officers about conducting pat searches of LGBTQ+ juveniles;

(m) Direct officers, when taking LGBTQ+ juveniles into custody, about practices to transport and hold these juveniles in an environment that takes into account where the juvenile is likely to feel most safe;

(n) Prohibit officers from taking law enforcement action based on information from members of the public about a juvenile that— based on the totality of circumstances of the incident—officers know or should know is the product of, or motivated by, bias based on the juvenile's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic status; and

(o) Direct officers and agency employees who have observed or are aware of officers who have violated the policy on bias-free policing of juveniles to report such incidents to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

(7) Policing of Juveniles with Disabilities, Experiencing Mental Health Crises, or Impaired by Drugs or Alcohol. The agency's juvenile operations policy shall:

(a) Direct officers of the agency's expectations that they be able to recognize indicators and juvenile behaviors that are characteristic of possible mental illness, developmental disability, medical condition, physical limitation, emotional, personal, or trauma-based crisis, fear, panic or acute anxiety, or drug or alcohol influence, and provide training for officers to meet that expectation.

(b) Include a sub-policy concerning de-escalation with these juveniles that:

i. Directs officers to avoid escalating encounters, while ensuring the safety of themselves and any member of the public witness to or involved in the encounter;

ii. Directs officers on the use of various de-escalation tactics, including:
(A) Actively and empathetically listening;

(B) Explaining what the officer is doing and why;

(C) Remaining calm;

(D) Exhibiting patience;

(E) Waiting;

(F) Verbal communication;

(G) Non-verbal communication;

(H) Creating physical distance between the officer and the juvenile;

(I) Placing barriers or using existing structures to provide a shield or other protection between the officer and a member of the public;

(J) Requesting and using additional support and resources; and

(K) Utilizing critical thinking skills to pivot ~~consider~~ to consider use of other de-escalation tactics in response to changing dynamics.

iii. Directs officers to utilize de-escalation tactics at all available and appropriate opportunities, including before initially arriving at a scene, and throughout the encounter;

(c) Direct officers, while ensuring the safety of themselves, the juvenile, and any member of the public witness to or involved in the encounter, to exercise discretion not to arrest juveniles with disabilities, experiencing mental health crises, or impaired by drugs or alcohol;

(d) Direct officers, whenever feasible and consistent with the safety of themselves and the juvenile, to accept intervention or assistance from family members, service providers, or others with whom the juvenile has a positive relationship; and

(e) Direct officers, whenever feasible, to partner with and request assistance from others within the agency or other agencies or organizations with

specialized training and experience in addressing the needs of individuals with disabilities, in mental health crisis, or impaired by drugs or alcohol.

(8) Juveniles Present During the Execution of Residential Search Warrants. The agency's juvenile operations policy shall:

(a) Include a sub-policy on preparing execution of search warrants when juveniles may be present that shall:

i. Direct agency personnel to gather information from law enforcement and other databases, site investigations, officer surveillance of the property, and other sources to ascertain the likelihood of encountering juveniles and incorporate all findings in the written plan for officers who will execute the search warrant;

ii. Include a written implementation plan for executing the warrant;

iii. Require the assignment of a specially trained "juvenile officer" to be responsible for the care and protection of juveniles encountered during the execution of the warrant;

iv. Require supervisors to evaluate the plan prior to approving the search to determine whether the surveillance and investigation regarding presence of juveniles as well as the implementation plans – specifically the use of force and strategies for forced entry – are adequate, or whether the risk to juveniles at the location is outweighed by the expected benefit of executing the warrant;

v. Include a Memorandum of Understanding (MOU) or other written agreement with the appropriate child welfare agency for on-site assistance, consultation, and to ensure adherence to protocol for transferring juveniles to other family members or state custody if necessary.

(b) Include a sub-policy on protocols during execution of residential search warrants where juveniles may be present that shall:

i. Direct officers, when executing the warrant, to be clearly identifiable as a law enforcement officer;

- ii. Direct officers to immediately withdraw from the premises if they realize they are in the wrong location;
 - iii. Direct the designated juvenile officer, as soon as it is feasible to do so, to safeguard juveniles by:
 - (A) separating them from adults who are being arrested or investigated
 - (B) explaining events in a developmentally-appropriate manner,
 - (C) serving as a liaison between the family and any needed social, mental health or medical service providers;
 - (D) ensuring that any juveniles removed from the residence are properly clothed, have necessary medication, and are permitted to take items of comfort with them.
 - iv. Direct officers on scene and in the booking office to seek information from the person being arrested about substitute caregivers for the person's children or any juvenile for whom the person is a caregiver;
 - v. Prohibit officers from handcuffing or restraining juveniles, unless doing so is necessary for the immediate safety of the juvenile;
 - vi. Prohibit officers from interrogating or threatening juveniles to obtain information, searching juveniles' belongings or room in a juvenile's presence, and intentionally break juvenile's belongings;
 - vii. Prohibit officers from using objectively demeaning, insulting or abusive language with juveniles, or in front of juveniles during the search;
 - viii. Direct officers to collect and document information about juveniles present during the execution of the search warrant including the juveniles' approximate age and observed gender, and data on their status (e.g. in child welfare custody or with parent or relatives) at the conclusion of the search.
- (c) Include a sub-policy that directs agency supervisors to conduct a de-brief and review of officers' documentation of the event, to:
- i. Assess the adequacy of the pre-search investigation and surveillance plan and the written implementation plan to protect juveniles, including evaluating:

(A) accuracy of data on the presence of juveniles;

(B) whether and to what extent juveniles were exposed to the use of weapons or other force; and

(C) whether any officers threatened juveniles or their caretakers or interrogated juveniles verbally or with use of force.

ii. Review the designated juvenile officer's ability to adequately protect and communicate with juveniles, ability to shield juveniles from observing use of weapons and force; connect juveniles to caretakers and parent/caretaker to services and/or child welfare agency for transfer of juveniles' custody;

iii. Assess participation by child welfare and other agency partners to support efforts to ensure safe and supportive transfer of juveniles to caregivers;

iv. Implement protocols for the agency to repair, at the jurisdiction's cost, any damage to the residence arising out of the execution of the search warrant, and notify residents of how to pursue such relief;

v. Describe how the agency will assist officers who have experienced trauma as a result of encountering juveniles during the arrest of an adult or the execution of a residential search warrant.

(9) Juveniles Who Are Children of Arrested Parents or Other Caretakers. The agency's juvenile operations policy shall:

(a) Direct dispatchers to ascertain and notify officers responding to calls for service whether juveniles are on scene and provide officers any available information about the juveniles;

(b) Direct officers on scene to be attentive to signs of juveniles being on the premises, ask adults on the scene whether juveniles are present, and to account for and locate them when feasible;

(c) Direct officers to separate youth so that they do not observe the arrest, use of force and handcuffing of a parent;

(d) Direct officers to conduct a check for signs of physical harm, psychological distress, or need for emergency services of juveniles on scene; request support for or comfort youth to the extent possible;

(e) Direct officers, when feasible, to explain in developmentally appropriate language what is happening to the person being arrested;

(f) Direct officers, in situations where there is no available adult or the juveniles must be removed from the custody of the available adult, to follow an established protocol or MOU regarding transfer of youth to Child Welfare or to relatives, and to document all transfer of custody information into the file of the adult under arrest;

(g) Prohibit officers from threatening youth to obtain information about adults being arrested, from asking youth in the presence of the parent about the conduct that is the basis for the arrest; and

(h) Direct booking officers to question arrested adults to determine whether juveniles will be returning to their home and what arrangements are necessary for their care.

(10) Juvenile Victims of Commercial Sexual Exploitation. The agency's juvenile operations policy shall:

(a) Direct officers, in circumstances that create a reasonable suspicion of commercial sexual exploitation of a juvenile to use screening tools and other professionally recognized means to determine whether a juvenile has been exploited;

(b) Direct officers to assess the extent of any injury to the juvenile, and to initiate transport for medical treatment or to respond to any request by the juvenile for medical treatment;

(c) Direct officers who have reasonable suspicion that unlawful sexual contact has occurred within the previous 72 hours to treat the circumstances as a crime, investigate as they would any crime, and to enact any agency protocols for sexual assault victims, including gathering and documenting evidence of potential commercial sexual exploitation;

(d) Direct officers to question a juvenile separately from adults when the officer reasonably believes the adult is coercing, manipulating, or threatening the

- juvenile;
- (e) Directs officers to any agency point of contact for juveniles subject to commercial sexual exploitation to request assistance in questioning of the juvenile;
 - (f) Directs officers, when no agency point of contact is available, to interact with juveniles using developmentally appropriate, trauma-informed communication approaches ,consistent with juvenile operations policies on bias-free policing;
 - (g) Direct the agency point of contact to collect all data obtained by officers who conducted the interview;
 - (h) Direct officers to follow established protocol to determine the appropriate custody of juveniles who have been subjected to commercial sexual exploitation, including whether the juvenile should be: released to a parent or other responsible adult, held in protective custody, or referred or returned to the custody of a child welfare agency;
 - (i) Describe how the agency will assist officers who have experienced trauma as a result of encountering juveniles subject to commercial sexual exploitation;
 - (j) Where feasible, ensure that the agency will create and routinely review and update a Memorandum of Agreement (MOA) among members of a multi-disciplinary team involving, health care, victim services, and other partner organizations which are staffed to respond to the needs of juveniles who have been subjected to commercial sexual exploitation.

(11) Law Enforcement Actions at Schools. The agency's juvenile operations policy shall:

- (a) With respect to School Resource Officers, comply with the requirements of 555 CMR 10.00.
- (b) With respect to law enforcement actions at schools by officers who are not certified School Resource Officers, require that the agency and the school district enter into a distinct Memorandum of Agreement (MOA) that will clarify the relationship between the school district and the agency and set expectations for patrol officers' conduct when responding to a call for service at a school, or otherwise taking law enforcement actions at schools. The MOA shall include:

- i. School district, school, and agency points of contact;
- ii. A protocol for school personnel to report, and the law enforcement agency to receive and act upon, information about alleged criminal or delinquent acts by students, including that patrol officers will not participate in student behavior that should be addressed as a school discipline or school climate issues;
- iii. A protocol for patrol officer participation in handling school disturbances, and situations where officers may need assistance from other agencies;
- iv. A directive prohibiting officers responding to calls for service or otherwise taking law enforcement actions at schools, from acting as a school disciplinarian, an enforcer of school regulations or in place of licensed school psychologists, psychiatrists or counselors; or using police powers to address traditional school discipline issues, including non-violent disruptive behavior;
- v. A protocol for patrol officers' conduct of student interviews and interrogations, searches and seizures of students, and use of force or restraints on students, and the role, if any, of school personnel in these actions;
- vi. A protocol for student arrests, and actions leading up to arrest, directing patrol officers that they should not arrest a student on school grounds unless there is an imminent risk to public safety or a risk of flight, or it is not practical to conduct the arrest at an alternative location;
- vii. A protocol for any involvement of school personnel in student arrests or actions leading to arrest;
- viii. A requirement that school officials notify a student's parents: prior to a patrol officer's interview of student(s); after patrol officers or school officials search a student's property; after patrol officers or school officials search a student's locker; when patrol officers or school officials use force or restraints; and when a student has been arrested;
- ix. A directive to patrol officers that they document in detail the basis for any arrest on school grounds, factors that support a determination of

probable cause, and factors that justify arresting the juvenile at school;
and

x. Require that the MOA be posted on the public websites of the law enforcement agency and distributed by the school with the student code of conduct.

(12) Data Collection. The agency's juvenile operations policy shall:

(a) Direct officers, for investigatory stops, calls for service, weapons pat downs, and searches of juveniles in encounters that do not lead to arrest, to record at least:

- i. the reported or perceived age of the juvenile;
- ii. the reported or perceived gender of the juvenile;
- iii. the reported or perceived race or ethnicity of the juvenile;
- iv. any reported or perceived disability of the juvenile;
- v. any reported or perceived limited English proficiency of the juvenile;
- vi. by whom, and how the encounter was initiated; and
- vii. how the encounter ended.

(b) Direct officers, for encounters that do lead to juvenile arrests or citations, to record:

- i. whether the encounter involved an investigatory stop of the juvenile, and if so, the basis for the stop;
- ii. whether the encounter involved a weapons pat down of the juvenile;
- iii. whether the encounter involved detention at the curb, in the patrol car or some other means;
- iv. whether the encounter involved handcuffing the juvenile;
- v. whether the encounter involved a search of the juvenile;

- vi. the reported or perceived age of the juvenile;
 - vii. the reported or perceived gender of the juvenile;
 - viii. the reported or perceived race or ethnicity of the juvenile;
 - ix. any reported or perceived disability of the juvenile;
 - x. any reported or perceived limited English proficiency of the juvenile;
- and
- xi. the charge or basis for arrest or citation.

(c) Ensure that the agency's record management system collects data related to records

collected in 12(a) and (b) on officers' encounters with juveniles, and has the capacity to produce reports on:

- i. calls for service about juveniles from residences, commercial locations, public areas, schools, and programs serving juveniles, such as group homes, detention and other locked facilities;
 - ii. Data on officer encounters with juveniles disaggregated by type of interaction and juvenile characteristics set out above in 12(a)(i)-(vi);
 - iii. Data on prosecutor and court dispositions of arrests of juveniles;
- and
- iv. Data on legal actions filed on behalf of youth against officers, including aggregate information about the claims in these actions, and the number of lawsuits pending, resolved, settled, or dismissed against each officer.

(13) Transparency and Accountability. The agency's juvenile operations policy shall:

(a) Ensure that any policies that address encounters with juveniles will be made publicly accessible on the agency's website including, on an annual basis, any

changes in policy or procedure, and a statement in plain language of the reason for the policy or procedure change;

(b) Require the annual publication of data on investigatory stops, weapons pat-downs, or searches, or arrests of juveniles disaggregated by type of encounter and the age, gender, race and/or ethnicity, limited English proficiency, and reported or perceived disability of the juvenile;

(c) Require the annual publication of a summary of reports and complaints about use of force required by 555 CMR 13.03(2)(e)(3) and complaints about investigatory stops, weapons pat-downs, searches, or arrests of juveniles. The summary shall include the resolution of those complaints, disaggregated by type of encounter and the age, gender, race and/or ethnicity, limited English proficiency, and reported or perceived disability of the juvenile;

(d) Require the agency to disseminate information, in formats in addition to the website, about how members of the public may file a complaint regarding officer encounters with youth, including at least:

- i. the variety of formats by which the agency will accept complaints;
- ii. that anonymous complaints will be accepted;
- iii. a specified time frame for considering and resolving complaints; and
- iv. require the agency to post on its website any MOA between the agency and a school district.