

APPENDIX TO POLICY 1

Overview of Youth Interactions Policies

Strategies for Youth has created [12 Model Law Enforcement Policies for Youth Interaction](#) to provide law enforcement agencies and officers with guidance on how to interact with youth in developmentally appropriate, trauma-informed, equitable ways that comply with the law. This appendix contains additional source and background information for [Policy 1: Overview of Youth Interactions Policies](#).

Procedural Justice

BALTIMORE POLICE DEP'T, POLICY 325 PROCEDURAL JUSTICE 6-7 (2021)

[HTTPS://PUBLIC.POWERDMS.COM/BALTIMOREMD/DOCUMENTS/855630](https://public.powerdms.com/baltimoremd/documents/855630)

“Youth are particularly attuned to Procedural Justice. A Youth’s earliest interactions with law enforcement can have a lasting impact on their perceptions of the legitimacy of the justice system and their likelihood of reoffending.”

Amanda Gellar & Jeffrey Fagan, *Police Contact and the Legal Socialization of Urban Teens*, 5 RUSSELL SAGE FOUND. J. SOC. SCIS. 26, 29-30 (2019)

“Positive experiences with legal actors can reinforce law; negative experiences can teach the opposite lesson through anger and fear reactions to the unfair or abusive exercise of legal power. These competing and reinforcing processes create a tension between viewing legal authorities as fair and respectful or as abusive and illegitimate. The elements of procedural justice can be thought of as powerful emotional engines that can bind or distance adolescents from the police or other legal actors. When interactions with police are harsh or intrusive, the psychological fallout—stress, stigma, anger—can skew the meaning of legal actors and the laws they stand for. Moreover, the effects of these experiences are cumulative, so the emotional weight of one experience can shape the cognitive frame through which subsequent experiences are evaluated and internalized.” *Id.*

Erika K. Penner et al., *Procedural Justice Versus Risk Factors for Offending: Predicting Recidivism in Youth*, 38 L. HUM. BEHAV. 225, 225-37 (2013)

This study demonstrates that “youth who experience the justice system as fair may be less likely to reoffend, even when other factors related to recidivism are taken into account. For legal and justice professionals, these findings indicate that it is important to treat adolescents impartially and respectfully, enhance their sense of trust in the justice system, and provide them with opportunities to participate in their proceedings.” *Id.*

Appendix to Policy 1 (cont'd)

Tom R. Tyler, *Restorative Justice and Procedural Justice: Dealing with Rule Breaking*, 62 J. Soc. ISSUES 307, 317-18 (2006).

“By using fair processes, the police encourage the activation of the social values that sustain law-abiding behavior over time. In addition, ...fair procedures encourage immediate deference, lessen the likelihood of spirals of conflict, and increase the legitimacy of the police and courts. Hence, fair procedures have both immediate and long-term positive consequences.” *Id.*

Tom R. Tyler, *Procedural Justice, Legitimacy and the Effective Rule of Law*, 30 CRIME & JUST. 283, 283-357 (2003).

Although police “can and often do compel obedience though the threat or use of force, they can also gain the cooperation of the people with whom they deal. ...People are more likely to adhere to agreements and follow rules over time when they ‘buy into’ the decisions and directives of legal authorities.” *Id.*, at 286.

KRISTIN HENNING, *THE RAGE OF INNOCENCE: HOW AMERICA CRIMINALIZES BLACK YOUTH* 322 (2021).

“Given research showing that adolescents care a lot about fairness, procedural justice is particularly important with young people. Simple changes like explaining the reasons for a stop and responding respectfully to a youth’s questions may help improve a youth’s perception of justice—especially among Black youth who frequently complain about officers’ refusal to give them even basic information before, during, and after a stop. But procedural justice is more than just being nice to kids who ask questions. Deep and lasting improvements in police-community relations will require police to publicly acknowledge the role of policing in past and present racial injustices and to abandon false and harmful narratives about Black youth.” *Id.*

Impact of Encounters with Law Enforcement on Youths’ View of Legal Authority and the Law

Juan Del Toro et al., *The Policing Paradox: Police Stops Predict Youth’s School Disengagement Via Elevated Psychological Distress*, 58 DEVELOPMENTAL PSYCH. 1402, 1402-12 (2022)

Research indicates that, due in part to psychological distress youth experience from police stops, these stops may lead to increased juvenile delinquency and decreased school involvement.

Gellar & Fagan, *supra*, at 29-30, 41-42

This study indicates that adolescents who have been stopped by the police, witnessed police stops, or know people who were stopped report greater levels of legal cynicism [defined as “anomie about law”] than their counterparts without police contact.

Appendix to Policy 1 (cont'd)

Stephanie Wiley & Finn-Aage Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?* 62 CRIME & DELINQ. 283, 299-300 (2013)

This study identifies “the negative impact that not only arrest but also simply being stopped by the police has on delinquent behavior and attitudes.” According to the researchers, their results “indicate that youth who have been stopped or arrested report significantly less anticipated guilt, greater agreement with neutralization techniques, greater commitment to delinquent peers, and higher levels of delinquency than youth with no police contact. In addition, our findings show that the negative consequences of police contact are compounded for arrested youth; subsequent to arrest, they report less anticipated guilt and more delinquency compared with stopped youth.” *See id.* These policies “likely decrease perceptions of police legitimacy among citizens who feel that they, or others, have been stopped without justification or treated unfairly. This has implications for deviance amplification, as less perceived legitimacy is associated with defiance or less compliance with the law.” *See id.*

HENNING, *supra*, at 214.

In a 2019 survey of at-risk youth, youth who were stopped more frequently by police “were more likely to report feeling angry, scared, and unsafe, and more likely to experience stigma and shame. Those who experienced more invasive stops like searches, frisks, harsh language, and racial slurs were more likely report both emotional distress during the stop and post-traumatic stress after the stop. Youth experienced stress regardless of whether they were engaged in delinquent behavior or not. Even youth who had an extensive history of delinquency were not immune from the emotional distress, trauma, and stigma associated with the most intrusive stops.” *Id.*

NAT’L JUV. JUST. NETWORK, CREATING MEANINGFUL POLICE AND YOUTH OF COLOR RELATIONSHIPS 6-7 (2017)

<https://www.njjn.org/uploads/digital-library/Policy%20Platform%202017.pdf?phpMyAdmin=14730ab-3483c51c94ca868bccffa06ef>.

In a study of youth-police interactions in the South Side of Chicago, “many law-abiding youth were being stopped by police on a daily basis and often roughly frisked or searched. This both traumatized them and led them to fear rather than trust the police. As one young man described it, he felt “like ‘prey’” when the police came cruising by on the street. All he could do at such moments was to “tr[y] to make himself ‘invisible.’” *Id.*

Perceptions of Youth of Color¹

REBECCA EPSTEIN ET AL., GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD, GEO. L. CTR. ON POVERTY & INEQ. (2017)

<https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>

In this study, participants viewed Black girls as older than their stated age, more knowledgeable about sex and other adult topics, more likely to take on adult roles and responsibilities than White girls of their age, and less in need of protection and nurturing than White girls. The authors also noted the potential implications of their findings for disparate treatment of Black girls in the juvenile justice system.

Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. PERSONALITY & SOC. PSYCH. 526, 529-35, 539-45 (2014)

Law enforcement officers and civilians may view Black boys as several years older than their chronological age.

Donna M. Bishop & Michael J. Leiber, *Racial and Ethnic Differences in Delinquency and Justice System Responses*, in THE OXFORD HANDBOOK OF JUVENILE CRIME AND JUVENILE JUSTICE 444, 460-61 (BARRY C. FELD & DONNA M. BISHOP EDs., 2011).

“Juveniles who appeared tough and disrespectful were more often arrested while those who were polite and respectful were more often released. African American youth more often displayed demeanor that prompted officers to view them as ‘potential troublemakers.’ ...Because African American and Hispanic youth tend to be (or are perceived to be) less cooperative, more gang-involved, and more threatening, they are disadvantaged relative to whites. At all stages of police processing, differential treatment of white and minority youths seems to be affected most by behavioral and attitudinal indicators of risk (danger and hostility) and structural factors that are linked to class and race.”

Harmful Consequences for Youth of Color from Unnecessary Involvement in the Legal System

U.S. DEP'T OF JUST., INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT 45 (2023)

[hereinafter INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT].

<https://www.justice.gov/crt/case-document/file/1572951/download>

During the DOJ's investigation of the Louisville Metro Government, Black youth in Louisville, Kentucky told DOJ that interactions with police officers made them feel “intimidated,” “mad,” “scared,” “panic,” and “paranoia.” See *id.* DOJ also noted research linking frequent and invasive police stops to adverse youth health effects, including trauma, anxiety, psychological distress, substance abuse, and an increased likelihood of the youth disengaging from school and engaging in delinquent behavior. See *id.*

1. See also Appendix to Policy 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status

Appendix to Policy 1 (cont'd)

U.S. DEP'T OF JUST., INVESTIGATION OF THE CHICAGO POLICE DEPARTMENT 143, 146 (2017)

[hereinafter INVESTIGATION OF THE CHICAGO POLICE DEPARTMENT]

<https://www.justice.gov/crt/case-document/file/925771/download>

During the DOJ's investigation of the Chicago Police Department, "one youth told [DOJ] that the nature of the police presence in his neighborhood makes him feel like he is in 'an open-air prison.'" See *id.*, at 143. In addition, Black youth told DOJ that they are "routinely called 'nigger,' 'animal,' or 'pieces of shit' by CPD officers. A 19-year-old black male reported that CPD officers called him a 'monkey.' Such statements were confirmed by CPD officers." See *id.* at 146.

Juan Del Toro, et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 116 PROC. NAT'L ACAD. SCIS. 8261, 8266-67 (2019).

In a study of primarily Black and Latino ninth- and tenth-grade boys, researchers found that "the frequency of police stops predicted more frequent engagement in delinquent behavior 6, 12, and 18 months later," although youths' self-reported delinquent behavior was "unrelated" to subsequent stops. See *id.* "Regardless of whether a boy had committed any prior delinquent acts, a police stop was associated with more frequent delinquent behavior in the future.... This finding warrants special concern because, in our sample, prior law-abiding behaviors did not protect boys against future police stops, yet being stopped by police was associated with increased engagement in delinquent behavior... [O]ur findings suggest that the single most common proactive policing strategy—directing officers to make contact with individual boys and young men in "high-crime" areas—may impose a terrible cost. Our findings suggest that police stops are associated with harmful outcomes for young boys in those neighborhoods, and that they may be even more harmful when they occur earlier in boys' lives." *Id.*

Wiley & Esbensen, *supra*, at 299-300.

Policing practices such as New York City's stop and frisk program, "may be responsible for some crime decline," but "they appear to have negative consequences, particularly for racial and ethnic minority residents who experience disproportionate contact.... Similarly, increasing the number of police officers in schools disproportionately affects youth of color." *Id.*

HENNING, *supra*, at 205-35

The author describes the traumatic impact on Black youth of constant police interactions, including being subjected to direct acts of police aggression, hearing about or witnessing police aggression directed at others, and seeing images of police violence on viral videos). The author also describes how police killings, arrests, incarceration, and shackling of Black youth can have a variety of negative impacts on parents, siblings, and other family members. See *id.* at 266-97.

ANNIE E. CASEY FOUND., INCREASE SUCCESSFUL DIVERSION FOR YOUTH OF COLOR 3 (2022)

<https://assets.aecf.org/m/resourcedoc/aecf-increasesuccessfuldiversion-2022.pdf>.

"Contact with police causes significant negative consequences for young people of color, increasing the likelihood of subsequent arrests and more punitive treatment in the justice system. A longitudinal study of youth in Seattle found that Black teens were more than twice as likely to have a police contact as white teens and more than twice as likely to be arrested, and that youth who had a police contact

Appendix to Policy 1 (cont'd)

by eighth grade were five times more likely to get arrested by tenth grade than youth with no police contact. As the study's authors note, these dynamics provide support for a 'narrative of injustice' where 'early police contacts may have a detrimental effect on youth rather than a preventive impact.'" *Id.*

Why Youth Should be Allowed to Learn from Their Mistakes Rather Than Being Subject to Unnecessarily Harsh Consequences

LAURENCE STEINBERG ET AL., PSYCHOLOGICAL MATURITY AND DESISTANCE FROM CRIME IN A SAMPLE OF SERIOUS JUVENILE OFFENDERS (2015)

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248391.pdf>

"[T]he vast majority of juvenile offenders grow out of antisocial activity as they make the transition to adulthood; most juvenile offending is, in fact, limited to adolescence (i.e., these offenders do not persist into adulthood....It is therefore important to ask whether the types of sanctions and interventions that serious offenders are exposed to are likely to facilitate this process or are likely to impede it. When the former is the case, the result may well be desistance from crime. However, if responses to juvenile offenders slow the process of psychosocial maturation, in the long run these responses may do more harm than good."

Edward P. Mulvey et al., *Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders*, 22 DEVELOPMENT & PSYCHOPATHOLOGY 453, 471 (2010)

"[E]ven most serious offenders report low levels of later antisocial behavior, and only a small proportion report continued high levels of offending."

HENNING, *supra*, at 12

"Adolescence is a time of trial and error. It is a time when teenagers learn from their mistakes, gradually resist peer pressure, and begin to think about what will happen if they do the wrong thing."

Trauma

U.S. DEP'T OF HEALTH & HUMAN SERVICES

[Trauma and Violence - What is Trauma and the Effects? | SAMHSA](#)

This website defines individual trauma, and explains, among other things who is affected by trauma and trauma's lasting adverse effects.

Exposure to Trauma Among Legal System-Involved Youth

NAT'L ACAD. SCIS. ENG'G, & MED., PROCEEDINGS OF A WORKSHOP: THE IMPACT OF JUVENILE JUSTICE SYSTEM INVOLVEMENT ON THE HEALTH AND WELL-BEING OF YOUTH, FAMILIES, AND COMMUNITIES OF COLOR 12 (2022)

<https://nap.nationalacademies.org/catalog/26623/the-impact-of-juvenile-justice-system-involvement-on-the-health-and-well-being-of-youth-families-and-communities-of-color>

During these proceedings, a former Arizona Supreme Court Chief Justice stated that trauma is an underlying issue for many juvenile justice system-involved youth, with system involvement contributing further trauma for youth who have already been victimized).

INT'L ASS'N OF CHIEFS OF POLICE, ENHANCING POLICE RESPONSES TO CHILDREN EXPOSED TO VIOLENCE: A TOOLKIT FOR LAW ENFORCEMENT (2017)

<https://www.theiacp.org/sites/default/files/2018-08/CEVToolkit.pdf>.

Childhood exposure to violence has the potential to cause trauma, and unrecognized, unaddressed trauma can have “dramatic negative consequences in both the short and long-term,” including long-term physical, psychological, and emotional harm, and higher risk of engaging in criminal behavior and/or being victimized later in life. *See id.*, at 3.

PHELAN WYRICK & KADEE ATKINSON, EXAMINING THE RELATIONSHIP BETWEEN CHILDHOOD TRAUMA AND INVOLVEMENT IN THE JUSTICE SYSTEM 2-6 (2021)

<https://www.ojp.gov/pdffiles1/nij/255645.pdf>

This publication describes seven studies finding high levels of previous trauma among justice system-involved youth, as well as continuing trauma during and following justice system involvement.

U.S. Department of Justice Investigative Findings About Youth and Law Enforcement Agency Violations of Civil Rights

Fourth Amendment Violations

- **INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT**, *supra*, at 15, 30, 32-33, 35
DOJ discussed incidents involving youth in finding Fourth Amendment violations in street enforcement such as stops, frisks, and arrests, and in the use of excessive force, including deployment of canines.
- **INVESTIGATION OF THE CHICAGO POLICE DEPARTMENT 1**, *supra*, at 33
DOJ discussed incident involving use of tasers on youth in finding officers used excessive force.

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- **U.S. DEP'T OF JUST., INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT 33** (2016)
[hereinafter INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT]
<https://www.justice.gov/crt/file/883296/download>
DOJ discussed incident involving youth in finding officers conducted unconstitutional strip searches.
- **U.S. DEP'T OF JUST., INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT 18** (2015)
[hereinafter INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT]
https://www.justice.gov/sites/default/files/crt/legacy/2015/03/04/ferguson_findings_3-4-15.pdf
DOJ discussed incident involving youth in finding officers violated the Fourth Amendment in stops and arrests.

Race Discrimination

- **INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT, *supra*, at 45, 48, 51**
DOJ discussed incidents involving youth and data about arrests of Black youth, in finding police department discriminated against Black people on the basis of race.
- **INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT, *supra*, at 63**
DOJ discussed incidents involving Black youth in concluding that the Baltimore Police Department's methods of patrolling Black neighborhoods exacerbated community mistrust.

First Amendment Violations

- **INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT, *supra*, at 57**
DOJ discussed incident involving youth in finding that the police department violated individuals' rights under the First Amendment during protests.

Violations of the Americans With Disabilities Act (ADA)

- **U.S. DEP'T OF JUST., INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT 60** (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 described officers handcuffing the ankles and wrists of an 11-year-old Black girl who was suspected of overdosing on pills in finding that the police department violates the ADA.
- **INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT, *supra*, at 64** (2023)
DOJ described officers using force against a youth in a residential treatment facility in finding that the police department violates the ADA.

The Need to Use Developmentally-Appropriate Language With Youth

NAT'L JUV. DEF. CTR., USING DEVELOPMENTALLY APPROPRIATE LANGUAGE TO COMMUNICATE WITH COURT-INVOLVED YOUTH

<https://www.defendyouthrights.org/wp-content/uploads/2014/10/Language-HR-10.8.14.pdf>

Using developmentally appropriate language helps ensure meaningful communication and increases the likelihood youth will understand the legal process and can invoke their constitutional protections. *Id.* at 1.

The Need for Youth-Specific Law Enforcement Policies and Training

N.C. G.S. §114-12.1

The North Carolina statute requires “minority sensitivity training” for all law enforcement officers throughout the requires, and requires the North Carolina Department of Justice to ensure that “all persons who work with minority juveniles in the juvenile justice system are taught how to communicate effectively with minority juveniles and how to recognize and address the needs of those juveniles. The Department shall also advise all law enforcement and professionals who work within the juvenile justice system of ways to improve the treatment of minority juveniles so that all juveniles receive equal treatment.”

INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT, *supra*, at 87.

This DOJ investigation found that officers were “not provided guidance on the causes and unique qualities of youth behavior and communication or trained on the skills and tactics necessary for interacting with youth.” *Id.* Interactions demonstrated that the Department “needs to provide detailed and comprehensive policy guidance and training for interactions involving juveniles, and to hold officers accountable if they fail to abide by their training and guidelines.” *Id.*

INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT, *supra*, at 38.

The views of School Resource Officers that increased student arrests were a positive result of their work “suggests a failure of training (including training in mental health, counseling, and the development of the teenage brain), a lack of priority given to de-escalation and conflict resolution, and insufficient appreciation for the negative educational and long-term outcomes that can result from treating disciplinary concerns as crimes and using force on students.” *Id.*

Appendix to Policy 1 (cont'd)

Abigail Novak & Vitoria De Francisco Lopes, *What About the Kids? A Multimethod Approach to Understanding Law Enforcement Policies Pertaining to the Arrest of Children in Florida*, 48 AM. J. CRIM. JUST. 899, 914-15 (2023)

In a study about the arrest of youth under 12 years old in Florida, where there is no minimum age for juvenile court jurisdiction, the authors found “substantial variation” in county-level policies, with law enforcement agencies being “limited in their ability to restrict arrest of young children and lack[ing] guidance as to how to handle these cases, making state-level policy needed to prevent arrests involving children below a certain age...In the absence of state policy, results suggest law enforcement agencies should adopt and implement clear administrative policies restricting arrest for children, and provide instructive training to officers to better equip them to understand the implications of child development on childhood justice system contact and involvement.”

Developments in Relevant (Although Not Youth-Specific) Law Enforcement Training

H.R. 536, 131st Sess. (Me. 2023)

This 2023 Maine statute requires the Maine Criminal Justice Academy to conduct a study and develop recommendations for an academy program of “trauma-informed training” for law enforcement officers. “As used in this section, ‘trauma-informed training’ means training to recognize the presence of trauma symptoms and to acknowledge the role that trauma can play in people’s lives, including by engaging with individuals with histories of trauma.” *Id.*

Law Enforcement Legislation: Significant Trends 2022, NAT’L CONF. OF STATE LEGISLATURES (AUG. 22, 2022)

<https://www.ncsl.org/civil-and-criminal-justice/law-enforcement-legislation-significant-trends-2022>.

Since May 2020, at least 39 states have enacted legislation requiring officer training, including in the areas of crisis intervention, mental health, de-escalation, bias reduction, implicit bias, human trafficking and interactions with specified populations, such as individuals with autism or Alzheimer’s. *See id.* States also prohibited certain types of training, most frequently training on the use of neck restraints. *See id.* At least 11 states—Arizona, California, Colorado, Indiana, Iowa, Minnesota, Nebraska, Tennessee, Utah, Virginia and West Virginia—enacted legislation related to de-escalation training. Indiana required the state training board to incorporate de-escalation training into various mandatory training programs. *See id.*