

POLICY 1

OVERVIEW OF YOUTH INTERACTIONS POLICIES

PURPOSE

Provide law enforcement officers with guidance on how to interact with youth (i.e., young people under the age of 18) in developmentally appropriate, trauma-informed, equitable ways that comply with the law.

These policies and procedures are designed to help officers understand the unique developmental differences and vulnerabilities

of youth and to equip officers to use the least restrictive, most effective approaches during these interactions. The policies promote positive interactions and partnerships with youth service providers to avoid and reduce system involvement, increase public safety, and enhance support for youth.

POLICY

Law enforcement agency and officers' interactions with youth shall be guided by an awareness that youth are developmentally different from adults. Officers must understand how these differences affect young people's ability to understand, respond to, and comply with officers' lawful directives. Officers must take additional, affirmative steps when questioning, searching, detaining, or arresting youth to ensure that their constitutional and statutory rights are protected and to minimize any harm to their physical, mental and emotional health.

Research indicates that youths' experience with law enforcement—whether first or sec-

ond-hand—influence their attitudes about legal authority and the law well into adulthood. Positive experiences with law enforcement can solidify youths' favorable attitudes toward legal authority, institutions and rules. Conversely, negative experiences with law enforcement can result in anger, fear, higher rates of offending, viewing legal authority as abusive and illegitimate, and reduce incentives to cooperate with law enforcement. It is therefore important that law enforcement officers treat youth with courtesy, professionalism, dignity, and respect, and with a recognition of the long-term impact of their treatment on youths' attitudes and actions.

REASONS FOR YOUTH-SPECIFIC POLICIES

Why policing should be different for youth

As documented in scientific research and articulated by the U.S. Supreme Court, youth are developmentally different from adults and must be treated differently.¹ Officers who routinely interact with youth must use special skills, knowledge, and tactics. Law Enforcement Agencies (LEAs) must train, guide, and supervise officers' interactions with youth to ensure that youths' constitutional and statutory rights are protected and that **all efforts have been made to use the least intrusive, most effective approaches.**

Officers must understand that adolescence is uniquely characterized by:

- risk-taking behaviors,
- limited capacity for self-regulation,
- limited capacity to anticipate consequences accurately,
- limited impulse control,
- susceptibility to manipulation,
- heightened sensitivity to peer influence,
- prioritization of immediate rewards,

- reactive responses (ranging from resistance to feeling coerced) to authority figures.

Officers' decisions about whether to stop, search, make court referrals, detain or arrest, may have detrimental long-lasting impacts. Youth who are Black, indigenous, and/or of color; youth living in poverty; youth who have immigrated to the U.S.; and youth with substance use/addiction issues, disabilities, and trauma histories experience disproportionately high contact, arrest, and detention rates. Often, these disparate experiences occur when officers do not understand that youths' conduct reflects their experiences, circumstances, developmental capacity, lack of perceived options, and/or need for assistance.

Civil rights investigations and litigation by the U.S. Department of Justice (DOJ) confirm that youth have been subjected to a "pattern or practice" of unlawful treatment by some LEAs and their officers.² As of October 2023, DOJ has obtained and is seeking agreements with LEAs to remedy practices such as the use of excessive force on youth,³ arresting youth

1. See *Roper v. Simmons*, 543 U.S. 551, 569 (2005) (youth are "are more vulnerable or susceptible to ... outside pressures" than adults); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (noting that the Supreme Court has drawn the "commonsense conclusions" that children "characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them," and "cannot be viewed simply as miniature adults."); *Miller v. Alabama*, 567 U.S. 460 (2012) (noting "three significant gaps between juveniles and adults": (1) youths' "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking."; (2) youth vulnerability to "negative influences and outside pressures, "with "limited control over their own environment"; and (3) youths' less "well formed" character, with youth actions less likely to be "evidence of irretrievable depravity.") See also *Graham v. Florida*, 560 U.S. 48 (2010) and *Montgomery v. Louisiana*, 77 U.S. 190 (2016) (making similar statements and endorsing these principles).

2. A federal statute, 34 U.S.C. § 12601, prohibits law enforcement agencies from engaging in a "pattern or practice" of conduct that deprives people of rights protected by the Constitution or laws of the United States, and gives the Attorney General of the United States the authority to bring a civil suit to obtain relief to eliminate the pattern or practice.

3. See U.S. DEP'T OF JUST., INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT at 22 -24 (2023) (DOJ Minneapolis Investigation Findings) (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); Consent Decree, *U.S. v. Police Department of Baltimore City*, No. Case 1:17-cv-00099-JKB (2017), (Baltimore Consent Decree) Section VIII (provision to remedy DOJ findings that the Department used excessive force with youth and ignored accepted strategies for youth interactions).

without probable cause,⁴ and violating the rights of students.⁵ DOJ has also documented that the lack of training or guidance for officers about how to interact with youth contributes to unlawful treatment and civil rights violations, and has obtained and is seeking policy and training reforms.⁶

As the initial point of contact between youth and the legal system, officers must be mindful of the collateral, harmful consequences an arrest or formal introduction to the juvenile justice system can have on a young person's development, educational, employment, and housing prospects as well as on their physical and mental health. Harms from arrest and system involvement often reverberate to a youth's family and community.⁷

Given that most youth "age out" of adolescent delinquent behavior, and that the vast majority of youth arrests are for non-violent behavior, youth should be given an opportunity to learn from their mistakes without harming their futures or suffering unnecessarily harsh consequences.

Arrests should be considered a last resort and the least desirable outcome of law enforcement interactions with youth.

Youth are not always deterred from wrongdoing by punishment, particularly if they see it as unfair. Sometimes, a more effective strategy for changing a youth's behaviors is an alternative intervention designed to meet the youth's unique needs along with those of their family and community.⁸

This requires law enforcement to seek out, collaborate with, and use the expertise and resources of community-based providers such as family resource centers, youth mentoring, arts, recreational and education providers to avoid unnecessary contact in the first place, to divert youth from the legal system and provide youth with needed care.

LEAs should also advocate for agreements with other public agencies, such as crisis response, mental health, substance abuse, disability, and child welfare entities so that officers have support from these agencies in responding to the needs of youth.

4. See Settlement Agreement, *U.S. v. City of Meridian*, Case 3:13-cv-00978-HTW-LRA Document 83 (2015) (Meridian Settlement Agreement), Section III (provisions to remedy DOJ findings that officers arrested public school students – often for minor, school-related misbehavior — without probable cause).

5. See [Consent Decree, U.S. v. City of Ferguson, No. 4:16-cv-00180-CDP](#) (2016), (Ferguson Consent Decree) Section XI (provisions to address DOJ findings that [public school students were subjected to unreasonable force by School Resource Officers](#)). See also DOJ Meridian Settlement Agreement, Section III.

6. See DOJ Minneapolis Investigation Findings at 22-23 (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.... Youth-specific policies are needed to ensure that officers not only correctly interpret adolescent behavior they encounter, but also that officers know how to react appropriately using the tools and discretion at their disposal.") See also *id.*, at 85 (recommending that the Department "recognize the unique characteristics of youth" and develop responsive policies as a "remedial measure" for identified violations); Baltimore Consent Decree, Section VIII ¶¶ 220-221 (Department agrees to "revise its policies and training as necessary" to provide officers with guidance on "developmentally appropriate responses to, and interactions with, youth," including for during voluntary interactions, stops, searches, arrests, uses of force, and custodial detentions and interrogations. and with "sufficient initial and ongoing training " on youth interactions); Ferguson Consent Decree, Section XI.A, (Department agrees to develop a "program and operations manual" for school resource officers, and to provide officers with "sufficient training"); Meridian Consent Decree, Section III.A.2 (Department agrees to provide officers with pre-service and annual in-service training on interactions with youth while on public school premises).

7. See International Association of Chiefs of Police, *Practices in Modern Policing: Police-Youth Engagement*, at 2 (2018) [Police-Youth Engagement \(theiacp.org\)](#) ("Arresting youth for minor offenses or for the purpose of teaching them to respect authority can have harmful, long-term consequences for young people and foster broader negative community perceptions.")

8. See, e.g. Baltimore Police Department Policy 1202, *Interactions with Youth*, at 2 (2022) ("Research has shown that many Youth, particularly those accused of low-level offenses, achieve better life outcomes and are less likely to commit future offenses when given an appropriate level of intervention that promotes pro-social behavior while protecting public safety. Youth who are diverted from formal involvement in the juvenile justice system can still be held accountable for their actions while receiving more Developmentally Appropriate services and support from community-based providers.")

For example, where consistent with public safety, interagency agreements can make behavioral providers and emergency medical technicians the primary responders to youth experiencing a mental health crisis or drug overdose.

LEAs should also advocate for a memorandum of understanding (MOU) with schools whenever they anticipate being asked to take law enforcement action with stu-

dents. Together, agreements to use non-law enforcement responders should make it possible for law enforcement to focus its resources on those situations when a youth poses a true public safety threat to the youth, the officer, or others.

Additional source and background information for this policy can be found in the [Appendix to Policy 1](#).

DEFINITIONS AND KEY CONCEPTS

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 rights.

EQUITABLE POLICING

Policing that is free of discriminatory **effect** as well as discriminatory **intent**, and recognizes the historic, legal, institutional, and political sources of inequality that affect current interactions.

PROCEDURAL JUSTICE FOR YOUTH

Procedural justice is predicated on four core principles. Officers: 1) treat people with dignity and respect regardless of social status, 2) give people voice during interactions, 3) use neutral and transparent decision-making as well as explanations for the officer's actions, and 4) treat people in a lawful and trustworthy manner.⁹ SFY believes that an additional two core principles are merited for interactions with youth: 1) express concern and care for the youth's well-being and safety, and 2) do not take advantage of the youth's lack of status and power to their disadvantage.

REHABILITATION

The process of building skills through treatment and education, based upon an individualized assessment of a youth's needs, and, whenever possible, in the least restrictive environment. This is the fundamental concept upon which the juvenile justice system in the U.S. was founded.

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.

9. Tom Tyler is the author of the term procedural justice. His definition was first published in *Why People Obey the Law*. (New Haven, CT: Yale University Press, 1990). He further explained this theory in "Procedural Justice, Legitimacy and the Effective Rule of Law," *Crime & Justice*, vol. 30, 2003, pp.283-357. JSTOR, <http://www.jstor.org/stable/1147701>. The operation and impacts of law enforcement's use of Procedural Justice are available on the U.S. Department of Justice website at: <https://cops.usdoj.gov/proceduraljustice>.

PROCEDURE

I. Procedures: General guidelines for youth interaction

A. When interacting with youth, officers must:

- Treat youth with courtesy, professionalism, dignity, and respect,
- Approach youth with the assumption that the youth may be confused, stressed, or fearful during an interaction with law enforcement – even if the youth does not express these feelings or appear to be experiencing them,
- Explain the justification for the officer’s action to the youth, inquiring community members, and parents,
- Where possible, approach youth conscious of the potential impact of the officer’s body language (e.g., whether the officer’s stance is physically aggressive), the language used with youth, the speed of the interaction, and the physical environment in which the interaction is taking place.

B. Where possible, officers must consider the following factors when evaluating whether to use a law enforcement response:

- Youth’s age, intelligence, developmental capacity and physical condition,
- Mental capacity or disability status of the youth, including whether the youth is in a mental health crisis or under the influence of alcohol or drugs, or has failed to take medication,
- Likelihood that the youth can be redirected from allegedly delinquent conduct through warning, stationhouse adjustment, citation, referral to service providers, or other means of diversion,
- A trauma-informed approach requires officers to understand how trauma compromises a youth’s capacity to understand, respond to, and comply with orders,
- Officers using a trauma-informed approach slow down and simplify the interaction to increase the likelihood that the youth can understand and respond, and to decrease the possibility of an unnecessary escalation.
- Officers must act on the knowledge that youth who have been exposed to trauma and chronic traumatic stress are likely to:
 - Perceive authority figures as a threat;
 - Respond to a perceived threat by acting to protect themselves, by:
 - Adopting combative stances, including lashing out verbally,

Policy 1 – Procedure (cont'd)

- Fleeing or otherwise avoiding an interaction,
- Freezing, and therefore being unable to follow orders,
- Display escalated responses if officers don't adjust their body language, verbal responses, and timing to reduce a youth's sensation of being physically overpowered or cornered.

Officers must conduct law enforcement activities without discriminating on the basis of a youth's perceived race, color, ethnicity or national origin, religion, disability, gender, gender identity, or sexual orientation in accordance with the LEA's policies requiring equitable interactions.¹⁰

II. Partnerships with youth-serving agencies and organizations

The law enforcement agency commits to developing strong partnerships with youth-serving, community-based organizations with an eye to building and supporting community-based responses. Such partnerships can be used as alternatives to arrest and system involvement, by working with program staff expert in serving youth.

III. Regular, routine, and rigorous training for interacting with youth

A. Any officer who is likely to interact with youth will be prepared and equipped to follow policies through scenario-based training, role-play exercises, conversations with youth, and lectures by psychologists specializing in adolescent development, and by attorneys familiar with relevant aspects of juvenile law in the jurisdiction.

Training will include, at a minimum, instruction in:

- Law enforcement agency policies for youth interactions,
- Normative behavior during adolescence,
- Impacts of trauma, traumatic stress, and adverse childhood experiences on youth's behavior,
- Procedural justice,
- Developmentally appropriate, trauma-informed, equitable communication and interaction strategies,

¹⁰. See [Policy 6](#): Fair and Impartial Policing: Race, National Origin, and Immigration Status, [Policy 7](#): Fair and Impartial Policing: LGBTQ+ Youth and [Policy 8](#): Policing of Youth With Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol.

Policy 1 – Procedure (cont'd)

- De-escalation practices,
- Bias awareness and legal obligations to treat youth equitably,
- Disability, mental health crises, and substance use among youth,¹¹
- Demographic factors that affect youth development and young people's perceived options,
- Youth-serving agencies and community-based organizations available to support youth and family needs in their jurisdiction,
- Diversion and other alternatives to formal system involvement,
- For officers who work in schools, training specific to the school environment and students,¹²
- For officers who are expected to work with youth who have experienced trauma due to their relationships with adults, training specific to those situations,¹³
- A review of juvenile law topics including:
 - Status offenses,
 - Legal developments regarding youths' constitutional and statutory rights, including but not limited to providing *Miranda* warnings, interrogation practices, use of force.

B. Training will be routinely updated to reflect relevant changes in juvenile law and law enforcement agency policies. Involvement of system stakeholders—including juvenile defenders, prosecutors, detention center staff, juvenile court-judges, probation officers and youth advocates—will be actively solicited to ensure that policies and practices are comprehensive.

C. Training content and principles will be incorporated into routine supervision, accountability measures, periodic performance reviews, and promotion criteria.

11. See [Policy 8](#): Interactions with Youth with Disabilities, Youth Experiencing Mental Health Crises, or Impaired by Drugs or Alcohol.

12. See [Policy 10](#): Law Enforcement Interactions with Students, Section VI.

13. See [Policy 9](#): Protection of Youth Vulnerable Due to Arrest of Parents or Other Caretakers, Execution of Residential Search Warrants, or Commercial Sexual Exploitation.

IV. Actions to promote procedural justice and transparency

Agencies must gather, regularly report, and make available to the public on the agency's public website:

- Policies governing law enforcement interactions with youth,¹⁴
- Information about law enforcement interactions with students,¹⁵
- Disaggregated data about the agency's interactions with youth,
- Disaggregated complaint data about the agency's interactions with youth.¹⁶

14. See [Policy 12: Transparency and Accountability](#).

15. See [Policy 10: Law Enforcement Interactions with Students](#).

16. See [Policy 12: Transparency and Accountability](#).