

# POLICY 12

## Transparency and Accountability

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### PURPOSE

This policy has two main purposes. First, this policy states the law enforcement agency's (Agency or LEA) commitment to operate in a transparent manner on all matters involving youth, including policies, data collected on interactions, complaints, and disciplinary actions or legal actions against officers and the LEA. The policy commits the LEA to make policies, data, and information about disciplinary or legal actions available to the public. The policy also commits the LEA to proac-

tively engage the public as part of its assessment of law enforcement conduct with youth.

The second purpose of this policy is to ensure that mechanisms for ensuring accountability, such as complaint systems, are equitable in operation and treatment of youth and families. When these practices are implemented, the LEA will be able to demonstrate its commitment to protecting the safety and civil rights of youth.

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### POLICY

This **policy is intended to supplement the Agency's existing policies** and state laws requiring transparency and accountability—including making accessible policies, data and accountability mechanisms. This policy emphasizes LEAs' obligations to provide public access to its policies regarding

interactions with youth and seek community input about the implementation of these policies. It also promotes review of the results of data collection, as well as the receipt and prompt processing of complaints regarding treatment of youth, to address trends in officer conduct and Agency action.

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# REASONS FOR YOUTH SPECIFIC POLICIES

## Why Transparency & Accountability for Youth is Needed

- Transparency is the cornerstone of a meaningful system of accountability.
- Policies serve as a proxy for a contract between law enforcement agencies and communities by clarifying what the LEA has directed its officers to do and what the community may expect of its officers. Lack of clarity on interactions with youth increases concern and may heighten distrust of responses to youth.
- Complaints by and on behalf of youth are not always accorded the respect and response they are due. Some responses may be predicated on the belief that youth are not truthful, accurate, or believable. Other LEA responses to complaints may reflect efforts to actively downplay and dissuade complaints by and on behalf of youth.
- Complaints by or on behalf of certain populations, including persons of color, immigrants, and women, have historically been marginalized or disregarded.
- LEAs vary in the manner, depth and length of time taken to respond to complaints; in worst cases, no investigation and/or no response is given. This failure to respond conveys the message that the Agency and its officers do not hold themselves accountable and do not need to answer to the public. This response undermines public trust in, and legitimacy of, LEAs.

## DEFINITIONS

### **AGENCY**

This law enforcement agency.

### **BIAS-BASED POLICING OF YOUTH**

Use of a youth's actual or perceived race, color, ethnicity or national origin, disability, religion, gender, gender identity or sexual orientation as a motivating factor in initiating or justifying law enforcement action against the youth, rather than the youth's behavior or other information or circumstances that link the youth to suspected unlawful activity.

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# PROCEDURE

## I. Publicly Accessible Policies and Complaint Procedures

### A. Informing the Public About Policies Regarding Officer Interactions with Youth

1. Policies that address interactions with youth will be made publicly accessible on the Agency's website.
2. When policies change, the Agency will update them, and highlight the changes on the its website.

### B. Making Data and Complaints About Interactions with Youth Available to the Public

1. As set forth in [Policy 11: Data Collection](#), the Agency will collect and, on an annual basis, make publicly available data regarding calls for service, certain interactions, arrests, and use of force regarding youth on an annual basis.
2. On an annual basis, the Agency will post on its public website any changes in policy or procedure based on its review of complaints alleging bias-based policing of youth, accompanied by a statement in plain language of the reason for the policy or procedure change.
3. On an annual basis, the Agency will post on its public website anonymized data about the **number** of complaints received about policing of youth. The data will be disaggregated by the age, race, ethnicity/national origin, and gender of the youth involved in the complaint and the location of the incident involved in the complaint.
4. On an annual basis, the Agency will post on its public website anonymized information about **resolution** of complaints alleging policing of youth, describing the substance of the complaint and the resolution in plain language, without identifying the name of the complainant, unless the complainant explicitly agrees to be named.

### C. Proactively Engaging the Public to Explain Polices & Data Collected on Interactions with Youth

1. To enhance community input and understanding of the Agency's interactions with youth, the Agency should, at least annually, convene a public meeting<sup>1</sup> to:
  - Explain its policies for youth interactions, and any recent revisions to those

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1. See, e.g. Settlement Agreement Between the U.S. Department of Justice and Meridian, Mississippi, *U.S. v. City of Meridian, et. al*, No 3:13-cv-00978, Section IV (S.D.MS. 9/18/2015) (Meridian Settlement Agreement) (establishing a community input program with open public meetings about the requirements of a Settlement Agreement involving policing practices with students, and the status of compliance with the agreement, and to address community concerns related to implementation); Consent Decree Between the U.S. Department of Justice and Ferguson, Missouri, *U.S. v. City of Ferguson*, No. 4:16-cv-000180-CDP, Section III.C., ¶ 24 (addressing a youth advisory board's role in providing input to the Ferguson Police Department (FPD) and the City of Ferguson on "law enforcement issues, especially issues that have a particular impact on young people, such as FPD's School Resource Officer Program, FPD's pedestrian stop practices, and the selection and implementation of youth-focused FPD community engagement programs.")

policies;

- Explain data collected on youth interactions;
  - Explain information collected on complaints regarding youth interactions;
  - Explain information collected on legal actions initiated on behalf of youth against the Agency, and/or its officers on behalf of youth.
2. At public meetings, the Agency should include opportunities for the community to ask questions or provide input about Agency policies or data. Public meetings should also give the public the opportunity to ask questions about the status of any officer (e.g. on administrative leave, no longer deployed to schools) who is the subject of any complaint or lawsuit involving alleged bias-based policing or use of force, and about the procedure or status of any investigation (e.g. the expected duration) into complaints of alleged bias-based policing or use of force.
  3. Such meetings should be recorded and made available to the public on the Agency website for a minimum period of 3 years.
  4. Where the Agency has committed to take action at such a meeting, e.g. to conduct an investigation, to review and revise a policy, it must:
    - publicly set a deadline for completing its work,
    - provide the public with various mechanisms (e.g. verbal, written, recorded) for input during the course of its effort, and
    - publicize the outcome of its efforts in writing on its website and in a public presentation.

## **II. Complaint Procedures and Publication of Complaint Procedures**

### **A. The Complaint Process Must Be Accessible and Equitable**

1. The Agency will establish a complaint procedure that facilitates receipt of and fully investigates complaints regarding interactions with youth, and adheres to a publicly accessible description of the process, timing, outcome, and method of appeal for complaints. The Agency will ensure that the complaint procedure, as well as complaint forms, are easily available to the public on its website.

2. The LEA will make and publicize a policy of accepting all complaints, regardless of who is making the complaint, whether the complainant is anonymous, the content of the complaint, or the adequacy of key data in the complaint.
3. Information about the complaint process shall be made widely available throughout the jurisdiction, with information placed in community-based organizations, libraries and public buildings and other places frequently used by the community.<sup>2</sup>
4. On its public website, the Agency shall inform the public how to file a complaint including information about all filing options.

**B. The Complaint Process:**

1. The Agency will accept complaints submitted in writing, through a form, by phone, online, or in person to officers or civilian staff. The Agency will ask complainants to provide at least the following information:
  - Circumstances of officer(s) behavior,
  - Description of officer behavior.
2. Officers or civilian staff shall provide assistance to complainants who ask for or appear to need help in completing a complaint form or otherwise providing the requested information.
3. Where officers or civilian staff have assisted a complainant, they must permit the complainant to review the complaint prior to its filing.
4. No complaint will be rejected for failure to submit individual information about the complainant or information on officers or the interaction (e.g. badge number, time of day, exact location of the incident).
5. The Agency will also inform complainants about the known availability of any neutral third party, such as a Public Defenders Office, to assist them in filing a complaint.

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2. See, e.g. Baltimore Police Department Policy 306, Complaint Intake Process, at 3 (2021) (Baltimore Police Department (BPD) commits to making a complaint form “widely available at public buildings and locations throughout the City, including at all publicly accessible BPD buildings, at other City offices, at community-based organizations and at libraries. On a quarterly basis, BPD will also supply copies of the form to community groups to provide to their members.”); Meridian Settlement Agreement at III.A.3.a (Meridian Police Department (MPD) agreed to “ensure that an effective process is in place to consider complaints regarding MPD conduct in the schools, including school-based arrests. MPD shall ensure that community members, including students and parents or guardians, have access to complaint forms to express concerns about MPD. To achieve this outcome, MPD shall ensure that complaint forms are available from the MPD and at City Hall, public libraries, and police stations. MPD shall also make the complaint form available on its website and work with the Meridian Public School District to make forms available at the schools.”)

6. Upon filing the complaint, the complainant will be provided a receipt by text, email or paper to confirm its acceptance.

**C. Prohibited Conduct by LEA Civilian or Sworn Staff Responsible for Administering the Complaint System.**

1. The Agency commits to ensuring equitable access to the complaint system, and equitable treatment of all complaints regarding interactions with youth. The following conduct may be grounds for discipline. These prohibited actions include:
  - Rejecting claims filed by or on behalf of youth due to any characteristic of the complainant, including limited English proficiency,
  - Dissuading a person from filing a complaint claiming that a person complaining on behalf of a youth has not presented the complaint in a particular form (e.g. telling a mother she must appear in person; permitting a father to submit the complaint in writing) when aware that all methods of submitting complaints are permitted,
  - Threatening a complainant with retaliation, arrest, or a referral to Child Protective Services,
  - Threatening physical harm or refusal of police services, insulting, publicly mocking, or harassing persons who seek to file a complaint.
  - Rejecting complaints regarding bias-based policing of youth.<sup>3</sup>
2. The Agency will make public what disciplinary action(s) a member of the Agency will face if they violate the prohibitions in C.1., above.

**D. Treatment for Complaints of Bias**

1. When a youth or other person alleges to an officer that the youth has been subjected to bias-based policing, the officer will document the complaint for review and, if necessary, corrective action by the Agency's chain of command, or through an appropriate Internal Investigations protocol.
2. Unless state law requires otherwise, for any review of complaints about alleged

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3. See, e.g. Baltimore Police Department Policy 306, at 6, Paragraph 20 (2022) ("The refusal to accept a Complaint, discouraging the making of a Complaint, informing a person about potential criminal consequences for filing a false Complaint, or providing false or misleading information about a Complaint's contents or filing date, shall be grounds for discipline, up to and including termination.) See also Paragraph 22. ("All forms of retaliation, interference, intimidation, coercion, or adverse action against any person because that person indicates they would like to make a Complaint, reports Misconduct, attempts to make or makes a Misconduct Complaint, or cooperates with an investigation, are strictly prohibited and shall result in discipline, demotion, and/or appropriate corrective action based on the seriousness of the conduct, in addition to any potential legal consequences for criminal acts.")

bias-based policing, supervisors will review any available officer body-worn camera footage. The Agency will ensure that body-worn camera footage is preserved and, wherever possible and not constrained by state law or regulation, will make every effort to provide the footage to the complainant within 72 hours after receipt of the complaint.

- If the Agency does not provide the body-worn camera footage within 72 hours, it will inform the complainant, verbally and in writing, of the reasons it has not done so and provide an estimate for when it can be expected, not to exceed one week.

#### **E. LEA Complaint Resolution Procedures and Timeline**

1. The Agency will resolve complaints within 30 days of the receipt of the complaint, unless it follows the requirements of E.3 and E.4, below.
2. When the Agency resolves the complaint, it will provide the complainant with written notification of the resolution, which will contain:
  - The date the complaint was received,
  - An explanation/description of the investigation, including the identity of any individuals interviewed,
  - The text of Agency policies that were considered during the investigation,
  - Any available video/surveillance footage, photos, documents considered during the investigation,
  - Information on how to appeal the decision.
3. If the Agency is unable to resolve the complaint within 30 days, the Agency will provide written notification to the complainant of the need for additional time, including a description of investigatory efforts taken as of that date, and a statement indicating when the complainant can expect a response.
4. The Agency will resolve all complaints within 180 days of receiving the complaint, and notify complainants within 24 hours after the complaint is resolved.
5. The Agency will notify the complainant about any neutral third party known to the LEA who may be available to assist when a complainant receives no resolution. See section II.B.5.