

APPENDIX TO POLICY 5

Use of Force with Youth

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 5: Use of Force with Youth](#).

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

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

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

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

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

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

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

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

INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT, *supra*, at 23
DOJ criticized the Department's use of force policy for failing to "meaningfully account for a child's age, size, and development with respect to specific use of force tools or tactics."

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

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

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

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

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

How Youth Perception of Time Changes Under Stress

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix to Policy 5 (cont'd)

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

<https://apnews.com/article/arrests-george-floyd-chicago-only-on-ap-82193c995f313f5c0aef-b0c08e0d5091>

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

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

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

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

Data on Law Enforcement Use of Force Against Youth

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

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

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

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

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

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

Herz, *supra*, at 58

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

Wieffering et al., *supra*.

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

Appendix to Policy 5 (cont'd)

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

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

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

Dangers to Youth from Flash Bang Grenades

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

<https://www.motherjones.com/crime-justice/2022/07/brett-rozenau-police-swat-raid-flashbang-granade>

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

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

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

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

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

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

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

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

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

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

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

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

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

Dangers to Youth from Canines

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

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

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

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

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

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

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

Between 2017 and 2019, in Baton Rouge, Louisiana, reporters found that police dogs bit at least 146 people, including, 53 people who were 17 years old or younger, with the youngest just 13 years old. *See id.* During this period, police dogs in Baton Rouge bit teenagers on average once every three weeks. *See id.* Reporters also found that almost all of the people bitten by police dogs were Black, and most were “unarmed and suspected by police of nonviolent crimes like driving a stolen vehicle or burglary.” *See id.* Reporters described the Baton Rouge Police Department as “an extreme outlier,” compared with other police departments, in how frequently it used dogs to subdue teenagers. *See id.*

Appendix to Policy 5 (cont'd)

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

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

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

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

- **Abbie VanSickle et al., *Mauled, When Doges are Weapons*, THE MARSHALL PROJECT (Oct. 15, 2020)**
<https://www.themarshallproject.org/2020/10/15/mauled-when-police-dogs-are-weapons>.
- **Abbie VanSickle et al., *When Police Violence is a Dog Bite*, THE MARSHALL PROJECT (Oct. 2, 2020)**
<https://www.themarshallproject.org/2020/10/02/when-police-violence-is-a-dog-bite>.
- **Ashley Remkus, *We Spent a Year Investigating Police Dogs: Here are 6 Takeaways*, THE MARSHALL PROJECT (Oct. 2, 2020)**
<https://www.themarshallproject.org/2020/10/02/we-spent-a-year-investigating-police-dogs-here-are-six-takeaways>.

Dangers to Youth from the Use of Conducted Electrical Weapons

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

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

Policy 5 – Appendix (cont'd)

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

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

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

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

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

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

JOHANNA WALD & LISA H. THURAU, ESQ., *STRATEGIES FOR YOUTH, CATCH AND STUN 26-35*, (2022)

https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY_Catch-and-Stun_fnl-rev_web.pdf

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

Rod McCullom, *How Often Do Police Use Tasers On Teens? Experts Want More Data*,

UNDARK (May 5, 2021)

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

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

Chokeholds

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

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

This memorandum prohibits federal law enforcement from using chokeholds and the carotid restraint technique “unless deadly force is authorized,” limits the circumstances in which federal agents may seek to enter a dwelling pursuant to a warrant without knocking and announcing their presence. The use of chokeholds and carotid restraints “by some law enforcement agencies to incapacitate a resisting suspect has too often led to tragedy. Chokeholds apply pressure to the throat or windpipe and restrict an individual’s ability to breathe. The carotid restraint technique restricts blood flow to the brain causing temporary unconsciousness. It is important that Department law enforcement components have an articulated policy in this area because these techniques are inherently dangerous.” *Id.* at 2.

State Legislation on Law Enforcement Use of Force

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

[Law Enforcement Legislation - Significant Trends 2022 \(ncsl.org\)](https://www.ncsl.org/law-enforcement-legislation-significant-trends-2022).

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