

Where's The State?

Creating and Implementing State Standards For Law Enforcement Interactions With Youth

“The quality of our expectations determines the quality of our actions.”

— A. GODIN

Today's youth, particularly those living in urban areas, encounter law enforcement officers frequently, on the street, in their schools, at their recreational and social events. Given the magnitude and potential long-term impact of these encounters, we would expect state agencies to take an active and leading role in creating, issuing and enforcing developmentally-appropriate, trauma-informed, and equitable standards governing police/youth interactions.

Such statewide or national standards governing youth/police interactions would serve four essential purposes:

- they would set clear expectations for performance,
- they would increase consistency of enforcement within and across jurisdictions,
- they would promote accountability, and
- they would increase legitimacy of the police within and across communities.

State by State Survey Results

Unfortunately, this is not the case. A state-by-state survey conducted by Strategies for Youth between 2014 and 2016 of standards (defined in this report as the combination of policy and practice that guides responses of law enforcement officers, including de-escalation, diversion, use of

force and bias-free policing) found that state agencies have virtually no role in setting standards for police interactions with youth.

Rather, standards of practice for police officers and other law enforcement officials are almost always developed solely by local law enforcement agencies.

Current knowledge about the development of adolescents' brains and the impacts of trauma are not incorporated into the limited guidance that does exist. And there are few mechanisms to involve knowledgeable individuals to share their expertise or provide guidance on matters to law enforcement about best practices for effective interactions with teens.



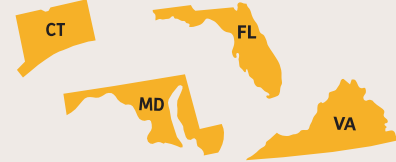
SFY found that:

0 STATES have statutes mandating law enforcement follow certain standards for interactions with youth.

2 STATES have regulations governing some police/youth interactions.



4 STATES have State Advisory Committees or law enforcement commissions that created nonbinding, unenforceable model policies.



1 STATE incorporates standards for interactions with youth in the statewide Police/Peace Officer Standards and Training (POST).



In regard to School Resource Officers (SROs) deployed in public schools, SFY's survey found that 15 states mandate SROs to receive training, but only one state—Kentucky—issued comprehensive standards guiding law enforcement agencies and law enforcement officers' interactions with youth in schools.

While 29 states have some statutory language related to law enforcement officers deployed in schools, most of this language refers to training requirements (15 states) or to the development of Memoranda of Understanding (MOUs) between school and law enforcement agencies. These statutes provide limited guidance about what topics and issues training and MOUs should address.

The abdication by states in developing and overseeing standards governing police/youth interactions leads to several harmful consequences:

- It causes unnecessary confusion on the part of both youth and law enforcement within agencies and across jurisdictions about the consequences and seriousness of offenses, opening the door for the conclusion that some youth are treated less punitively than others.

- It represents a missed opportunity to improve law enforcement officer responses to youth and a missed opportunity to promote consistency of management within individual law enforcement agencies and across jurisdictions.
- It prevents states from providing urgently needed guidance and oversight to local law enforcement departments that would almost certainly reduce their risk of expensive law suits and federal oversight.
- It prevents local law enforcement agencies from benefiting from the collective expertise and perspectives of community stakeholders, who can help them to improve outcomes for vulnerable youth, particularly for youth of color.

Moreover, the lack of engagement by state agencies in creating these standards is an anomaly. In other professions where adults are in regular contact with children—such as health care, teaching and day care—the state is heavily involved in setting and enforcing clear standards, and often convenes a diverse group of stakeholders to provide expertise and guidance in doing so.

SFY Recommendations

- All states should develop clear professional standards to guide police interactions with youth. These standards should reflect current knowledge about adolescent development, best practices for peacefully de-escalating conflicts without incident or arrest, and equip law enforcement officers and agencies to interact with youth who have experienced trauma, been exposed to violence, or suffer from mental illness.
- State standards should be enforceable and binding. These standards should become the criteria by which law enforcement agencies are held accountable and officers are evaluated and promoted.
- State standards should be incorporated into the curriculum taught to police cadets and provided to officers in professional development programs. Such a curriculum should be updated to reflect the evolving understanding of youth and changes in decision law, and re-trained on a frequent basis.
- States should seek the input of a diverse set of stakeholders, including psychologists, educators, youth advocates, and adolescent development experts, when developing these standards.
- State standards should require law enforcement agencies to track racial and ethnic disparities in youth encounters

with law enforcement officers and should complement existing federal obligations to require agencies to take steps to reduce disparities where they exist.

- States should take responsibility for data collection by law enforcement agencies and monitoring of compliance with these standards, particularly around the use of force. This accountability will promote uniform treatment of youth and encourage better training for officers; thus ultimately increasing the safety of both groups.

With so much public focus on police reform, and amid deep uncertainty regarding federal oversight, state agencies and legislatures have an opportunity to step into leadership roles. By:

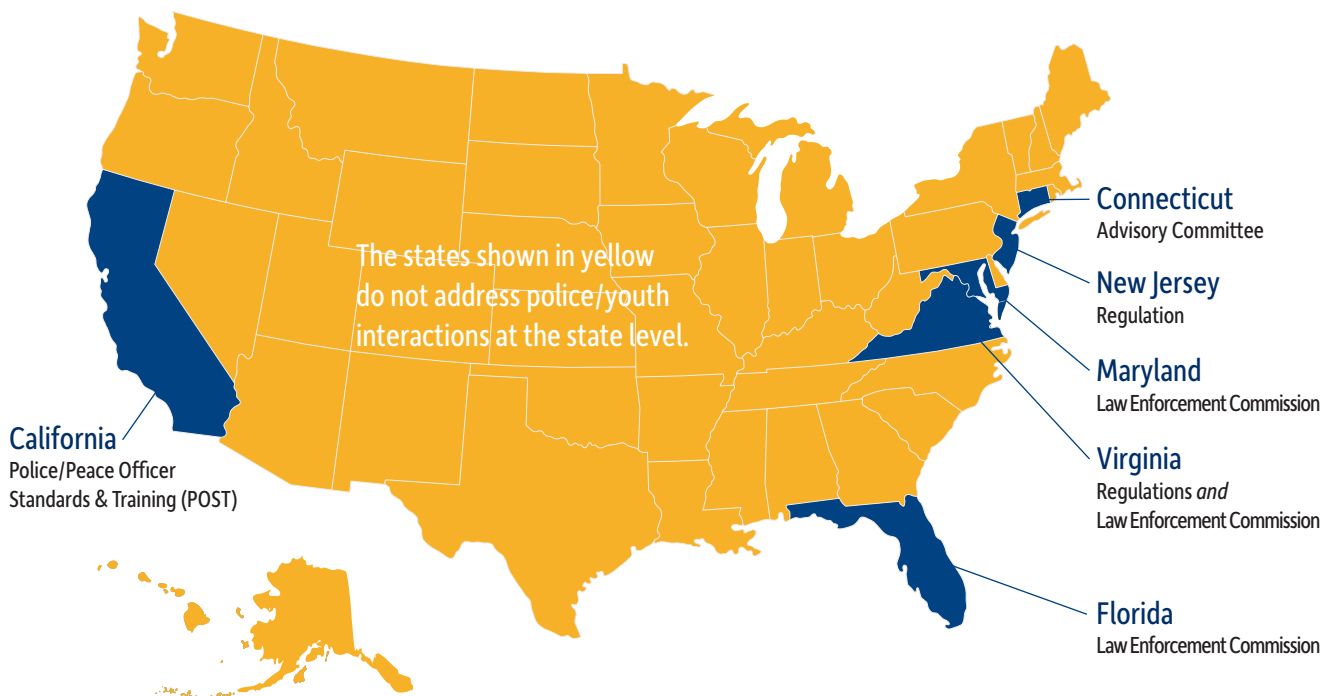
- 1 convening a diverse and knowledgeable pool of stakeholders to develop clear and consistent standards for law enforcement/youth interactions,
- 2 mandating training on how to implement these standards, and
- 3 enforcing standards ensuring that youth of color receive equitable treatment by police, states could significantly reduce the numbers of unnecessary arrests and violent encounters, and become leaders in the efforts to reduce racial and ethnic disparities within the juvenile justice system.



SFY's extensive experience working with law enforcement agencies makes us confident that most would welcome state standards, if they are carefully developed, and accompanied by high quality training and financial support for their implementation. These standards will serve law

enforcement agencies and officers' interests while protecting them by reducing unnecessary arrests, avoiding escalation of minor incidents, and keeping officers, youth, and communities safer.

State Guidance About Policies Governing Police/Youth Interactions



Law enforcement agencies could potentially draw guidance for policies about police/youth interactions from a variety of state sources:

- Statutes
- Regulations
- State Public Safety Agency Models
- Police/Peace Officer Standards & Training (POST)
- Law Enforcement Commissions
- Advisory Committees

Unfortunately, very few states regulate or recommend best practices for how law enforcement agencies and officers interact with youth. The map indicates the five states that provide some form of guidance. All of the other 45 states do not address police/youth interactions at the state level.

TO READ THE FULL REPORT GO TO:
www.strategiesforyouth.org

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