**XXXX Police Department Policy & Procedures: 001
YOUTH INTERACTIONS OVERVIEW**

**PURPOSE:** These policies provide XXXX Police Department (X.P.D.) Officers with guidance and procedures for interactions with youth that promote compliance with the law, socialize youth to their legal rights and obligations, and build positive relationships. The policies and procedures contained herein and in General Orders 002, 003, 004 and 005 reflect XXXX Police Department’s commitment to equip officers with developmentally-appropriate, trauma-informed strategies for equitable responses to youth. This also includes youth focused programming and outreach efforts that are consistent with U.S. Supreme Court rulings and research demonstrating that using adult approaches with youth is often ineffective and counterproductive.

These strategies aim to simultaneously enhance public safety and hold youth accountable to laws while using arrest as a last resort. This guidance is based upon the premise that successful interactions with youth requires special skills and knowledge, and the implementation of different techniques than would be utilized with an adult under similar circumstances, and that it is therefore incumbent upon law enforcement to understand the unique nature of adolescence.

XXXX Police Officers have an exceptional and important role in the juvenile justice system. As the primary referral source for court matters, decisions made by police officers at the initial point of contact have long-lasting, and potentially detrimental, impact on the lives of youth. This is especially true for youth in minority and other traditionally underserved communities, who have historically experienced disproportionately high arrest and detention rates. Youth with mental health needs, substance abuse problems, developmental and/or other disabilities, and trauma histories also have higher rates of contact with police are also vulnerable to potentially negative outcomes.

This General Order and the four related General Orders provide X.P.D. Officers with policies to guide guidance necessary to accomplish this mission in a professional manner.

**UNIQUE FEATURES OF YOUTH:**For purposes of this and the Policies related to youth, the term “youth” typically refers to persons between the age of 12 and 18 years of age, the period generally considered to be adolescence, even though juvenile court jurisdiction may extend for specific reasons. In this context, *adolescence* is defined as a:

distinct, yet transient, period of development between childhood and adulthood characterized by increased experimentation and risk-taking, a tendency to discount long-term consequences, and heightened sensitivity to peers and other social influences…Experimentation and novelty-seeking behavior, such as alcohol and drug use, unsafe sex, and reckless driving, are thought to serve a number of adaptive functions despite their risks and are reflective of key differences in neurodevelopment between the adolescent and the adult brain, particularly in relation to executive function. Research indicates that for most youth, the period of risky experimentation does not extend beyond adolescence, ceasing as identity becomes settled with maturity.

**A significant amount of youth activity is an extension of risk-taking that is part of the developmental process of identity formation. Most youth mature out of these tendencies.** Youths differ from adults and children in three important ways that lead to differences in behavior:

* Youth have less capacity for self-regulation in emotionally charged contexts;
* Youth have a heightened sensitivity to external influences, such as peer pressure, immediate incentives, adult coercion; this heightened sensitivity may negatively impacts a youth’s ability to make decisions.
* Youth show less ability than adults to make judgments and decisions that demonstrate an understanding of consequences.

**“The combination of these three cognitive patterns accounts for the tendency of youths to prefer and engage in risky behaviors that have a high probability of immediate reward but can have harmful consequences, the majority of which the youth is either unaware of or fails to integrate into their decision making process…”**[[1]](#endnote-1)

**PARTNERSHIPS:**The X.P.D. will build and maintain trusting relationships with other community stakeholders and reinforce the importance of those partnerships by:

* Finding opportunities to interact in positive and enjoyable ways with youth, through recreational, athletic, and community activities;
* Encouraging officers to use community resources to support youth and their families in lieu of arrest and referral to the juvenile court;
* Recognizing and rewarding officers where appropriate for taking initiative to have positive youth engagement.

**YOUTH PROGRAMS:**

All members of the X.P.D. are encouraged to actively participate and support departmentally approved programs, designed and implemented to engage officers and youth in constructive relationship building activities, prevent delinquency, and clarify behavioral expectations.

1. The following objectives will be considered when determining departmental endorsement of proposed youth program activities:
	* the program targets delinquency prevention;
	* the program provides mentoring/counseling to juveniles;
	* the program/presentation offers guidance on ethical issues and safety;
	* the program/presentation provides an explanation of the role of law enforcement in society; or
	* the program/presentation promotes and offers guidance regarding safety and proper behavior when utilizing the Metro bus or rail systems.
2. Members wishing to participate in an approved program will submit a written request through their chain of command. If approved, the Commissioner of Police or his/her designee will draft a numbered memorandum assigning the member to participate in the program.
3. The Commissioner of Police will designate the task of completing an annual written report that identifies and evaluates each juvenile/youth program. The analysis will include recommendations for the continuation or modification of current programs.
4. Current department approved programs include:
	* *Juvenile Justice Jeopardy* game provides an interactive format for X.P.D. officers to interact and engage with youth while explaining the legal consequences of behavior and the short and long term impacts of arrest and court involvement in the juvenile justice system

**TRAINING:**The XXXX will provide developmentally-appropriate and trauma-informed training on:

* youth development,
* age-appropriate, trauma-informed communication strategies,
* de-escalation practices,
* a special focus on bias and youth who disproportionately experience high rates of police contact.

All members of the X.P.D. will be provided with a copy of the five (5) policies related to youth interactions as part of basic training and orientation, which will be updated annually at in-service training.

**DEFINITIONS:**

Definitions related to this and all other youth related policies and procedures include:

**Age-appropriate/developmentally-appropriate**: Terms used interchangeably to reflect a general understanding of the social, emotional, physical, neurological, behavioral and moral aspects of development in an individual under 18 years of age. See section describing “youth development” in the General Considerations Section above.

**XXXX City Juvenile Justice Center (BCJJC)**: A centralized processing entity for

juveniles taken into custody by law enforcement agencies.

**Child Protective Services (CPS):** Is a specific social service provided by DHR to assist children believed to be neglected or abused by parents or other adults having permanent or temporary custody.

**Conducted Electronic Weapon (CEW):** This is a hand held device, also frequently referred to as “Taser” or “stun gun, ” that incapacitates a person by transmitting a 50,000-volt electric shock. Some CEWs fire two small darts, connected to the device with thin wires, up to a distance of approximately 11 meters (35 feet). These darts penetrate clothing and deliver an electric shock, which disrupts the target’s heart and nervous system and can produce heart failure, or temporary incapacitation and puts youth at risk of traumatic brain injury due to falling.

**Custodial Contact:** Contact wherein an officer determines that a juvenile will be taken into police custody.

**Delinquent:** Conduct by a juvenile characterized by statutes as anti-social behavior that is beyond parental control and would be a crime if committed by an adult and therefore subject to legal action. A youth may be adjudicated delinquent for violating a law or municipal ordinance that, if committed by an adult, would be a criminal offense.

**Department of Juvenile Services (DJS):** The executive agency whose primary task is to appropriately manage, supervise and treat youth who are involved in the juvenile justice system in Maryland.

**Diversion Program**: A program specifically designed to divert youth, who have committed misdemeanor offenses, from the criminal justice system. Youth receive punishment for their crime while avoiding the stigma of obtaining a criminal record.

* **Empty Hand Control**: Use of physical force to control a suspect, including grabs, holds, and joint locks to restrain an individual. [[2]](#endnote-2)

**Force:** The use of physical force as well as restraints, hands, weapons, CEWs and OC sprays, to gain physical control.

**Investigative Stop:** An interaction with a juvenile for the purpose of determining whether a status offense or delinquent act has been committed. Juvenile ─ A person under 18 years of age.

**Juvenile Detention Center**: The physical location within each jurisdiction designated by the courts as the area responsible for the temporary care of individuals under the jurisdiction of the Court for whom secure custody is necessary, based on an assessment of risk to the community. Consistent with the principle that the least restrictive setting is always the best option, youth should be placed in Juvenile Detention Center only when less restrictive alternatives have been exhausted and/or are no longer appropriate or available, and only for the length of time necessary to address the seriousness of the offense.

**Juvenile/Youth/Child:** These terms generally refer to an individual involved in the juvenile court system but also includes those transferred/waived to adult court. Youth in Maryland cannot be arrested under the age of 7. Youth can be under juvenile court jurisdiction until their 21st birthday. They can be adjudicated in the juvenile court for an offense committed prior to their 18th birthday.

**LGBTQ:** This acronym refers to lesbian, gay, bisexual, transgendered, questioning orientations. These terms are defined as follows:

* **Gender Identity**: An individual’s internal, deeply held sense of gender. Unlike gender expression (see below), gender identity is not visible to others.
* **Gender Expression**: External manifestations of gender; frequently expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.
* **Sexual Orientation:** A term describing a person’s attraction to members of the same sex and/or a different sex, often termed lesbian, gay, bisexual, heterosexual, pansexual or asexual.
* **Transgender (adj.)**: A term for people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Transgender is a broad term and is appropriate for anyone to use. "Trans" is shorthand for "transgender." (Note: transgender is correctly used as an adjective, not a noun, thus "transgender people" is appropriate but "transgenders" is often viewed as disrespectful.)

**Non-offender:** A youth in need of supervision who is not alleged to be delinquent or an accused status offender. Non-offenders also include an abused, neglected, or dependent youth who may be legally held for his/her own safety or welfare.

**Non-secure custody:** When a youth is held in the presence of an officer or other Police Department employee and is not placed in a locked room, cell, or behind closed doors. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained at all times. Youth in non-secure custody may be handcuffed but not to a stationary or secure object. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Parent**: Any natural parent or adoptive parent, legal guardian, and any person or agency who has legal responsibility for the care and custody of the juvenile. (See also, responsible adult, below.)

**Procedural Justice**: As defined by the U.S. Department of Justice, procedural justice is a general term referring to the way in which police officers exercise their authority. Its importance develops out of the many studies suggesting that people react to legal authority primarily in response to their perception of the fairness of their treatment by police officers, rather than by the outcome of their interaction.[[3]](#endnote-3) Youth are particularly influenced by perceptions of fair treatment and opportunity to have their point of view heard when assessing procedural justice.

**Reasonable Articulable Suspicion (RAS)**: Reason to believe, based on the officer’s training and experience, that an individual has committed, is committing or is about to commit a crime. RAS requires articulable facts (more than a hunch) but less than probable cause.

**Responsible adult:** In the absence of a youth’s parents or legal guardian, a responsible adult is one who is accountable for the physical custody of the youth, or who is an adult acquaintance of the youth’s parents, foster parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the youth until parents, legal guardian or next of kin can assume that responsibility.

**Runaway**: An individual who is less than 18 years of age and who removes him/herself from home or a place of legal residence without the permission of a parent or legal guardian.

**Secure custody:** When a youth is held in a locked room, a set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the youth is physically secured to a stationary object, for the specific purpose of physically restricting the movements and activities of a juvenile who is in police custody. The XXXX City Juvenile Justice Center is classified as a secure detention facility. For the purpose of this policy, the terms “secure detention,” “secure confinement,” and “secure holding” are synonymous. (See below for specifics of when a juvenile is in secure custody.)

**Sight and sound separation:** The condition by which a youth is located or held to prevent his/her contact with detained adults as defined by the Juvenile Justice Delinquency Prevention Act (JJDPA). Contact is defined to include any physical or sustained sight or sound contact. Sound separation means no conversation is possible between youth and adults.

**Status offender:** Astatus offender is a youth charged with a violation of a law or municipal ordinance that, if committed by an adult, would not be a criminal offense.[[4]](#endnote-4) Such offenses apply only to juveniles, such as underage alcohol and tobacco violations, daytime and nighttime curfew violations, truancy, running away from home, and court jurisdiction for the civil offense of possession of less than 10 grams of marijuana.

 **Trafficking Victim:** Pursuant to federal law,[[5]](#endnote-5) a person subjected to an act or practice described in which a commercial sex act is induced by force, fraud, or coercion, including through use of a drug or by withholding a drug, in which the person induced to perform such act has not attained 18 years of age is a trafficking victim.

**Trauma:** “The term ‘trauma’ refers to experiences that cause intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that are experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual’s physical, social, emotional, or spiritual well-being.”[[6]](#endnote-6) Examples are direct and indirect exposure to violence, domestic disputes, bullying, medical conditions, auto accidents, death of family members, natural disasters, fires, and other events where the youth either felt that his or her life, or the life of a family member of close friend was in danger.

**Trauma-Informed**: “A trauma-informed approach to the delivery of behavioral health services includes an understanding of trauma and an awareness of the impact it can have across settings, services, and populations. It involves viewing trauma through an ecological and cultural lens and recognizing that context plays a significant role in how individuals perceive and process traumatic events, whether acute or chronic, and how these exposures influence an individuals’ response to later events. A trauma-informed approach involves four key elements: (1) realizing the prevalence of trauma; (2) recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce; (3) responding by putting this knowledge into practice; and (4) avoiding re-traumatization.”[[7]](#endnote-7)

**Youth Exposed to Violence:** Many youth, particularly those in underserved neighborhoods, are victims of, and witnesses to, family and community violence. The extremely high correlation between exposure to violence and involvement in the juvenile justice system requires that officers anticipate that traumatized youth are predisposed to over-perceive threats to their autonomy and personal space.[[8]](#endnote-8) In these situations, youths’ fear may manifest as physical resistance or fleeing.

Whenever possible, Officers shall refrain from charging youth with resisting arrest and disorderly conduct when the right-of-arrest is based solely on the youth’s response to the officer’s show of authority. Officers must consider factors relating to resisting arrest based on the totality of the circumstances, including assessing why the youth is fleeing, and the actual or imminent threat to the officer from fleeing.

**VIII. DATA COLLECTION**

To guide its practices, including deployment and allocation of resources, and inform its responses, the Metro Police Department will develop data collection tools, routinely analyze data, and share it with juvenile justice system stakeholders.

1. **Data to be Collected**

The Metro Transit Police Department will ensure that its existing data management system, or any new system it plans to purchase, collects data that can be disaggregated by location, race, gender, age, and other characteristics of youth, as well as identify members collecting the data, to include:

* Calls for service involving youth issues,
* Officer or dispatch referrals to youth-serving community based organizations,
* FIOs,
* Arrests,
* Charges,
* Complaints by youth,
* Use of Force.

In addition, the Metro Police Department will collect data on arrests and the final status of the arrest with each of the system stakeholders:

* Prosecution,
* Juvenile Court,
* Probation,
* Corrections.

**B. Routine Analysis of Data**

The Metro Transit Police Department will make routine analysis of juvenile data for purposes of considering deployment, allocation of resources, identification of trouble spots, and development of new responses to youth issues. At a minimum, such analysis will occur on a quarterly basis. Reporting of such data will be shared with members and juvenile justice stakeholders to provide a feedback loop on the effectiveness of policies and practices.

1. “Summary.” National Research Council. *Reforming Juvenile Justice: A Developmental Approach.* Washington, DC: The National Academies Press, 2013. doi:10.17226/14685. [↑](#endnote-ref-1)
2. National Institute of Justice. The Use of Force Continuum, http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/continuum.aspx [↑](#endnote-ref-2)
3. Community Policing Dispatch, e-newsletter of the COPS Office | Volume 6 | Issue 1 | January 2013. [↑](#endnote-ref-3)
4. Source: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, https://www.ojjdp.gov/mpg/litreviews/Status\_Offenders.pd [↑](#endnote-ref-4)
5. 22 U.S. Code § 1702 [↑](#endnote-ref-5)
6. Substance Abuse Mental Health Services Administration, SAMHSA News, [Spring 2014, Volume 22, Number 2](http://www.samhsa.gov/samhsaNewsLetter/Volume_22_Number_2/index.html)  [↑](#endnote-ref-6)
7. Id. [↑](#endnote-ref-7)
8. *See* Office of Juvenile Justice and Delinquency Prevention, *Report of the Attorney General’s National Task Force on Children Exposed to Violence, 178* (Dec. 2012). [↑](#endnote-ref-8)