**XXXX Police Department Policy & Procedures: 002
YOUTH INTERACTIONS**

**General Guidelines:**

Interactions with law enforcement officers often represent a youth’s earliest exposure to the legal system. Whenever possible, officers should seek out and capitalize on opportunities to engage in positive interactions with youth in their non-enforcement capacities.

**Policy:**

It is the policy of the XXXX Police Department (X.P.D.) to treat all people with dignity, compassion, courtesy and without prejudice. The X.P.D. is committed to protecting civil rights and maintaining the public’s trust through the fair, ethical, and impartial enforcement of laws and employment of bias-free policing principles and equal protection in its hiring; unit assignment; promotion; and performance assessment processes. Officers’ reliance on subjective perceptions of the youth’s race, ethnicity, sexual orientation, gender identity, attitude, and “good family” increase the odds that poor and minority youth will be detained or arrested, rather than released or referred for counseling.[[1]](#endnote-1) In accordance with this policy, X.P.D. personnel will ensure that:

1. Youth shall be afforded their constitutional and statutory rights when being questioned, searched, detained, or arrested, and informed of those rights in a developmentally appropriate, trauma-informed equitable manner.
2. When determining the appropriate response to youth, officers shall use de-escalation strategies in an attempt to maintain control, provide the youth with the opportunity to comply their instructions and minimize the likelihood for confrontation. Officers shall consider all approved diversion options and select the alternative which least restricts the youth’s freedom and provides an alternative compatible with the best interests of the youth and the community. When interacting with youth, Officers should make every reasonable effort to prevent a minor incident from escalating.
3. When Metro officers are called to respond to issues involving youth in the public schools, they should refrain from engaging in disciplinary matters or school code of conduct violations. School code conduct violations should be handled exclusively by school personnel.

**Contact with Youth Victims And Witnesses:**

Officers must be cognizant of youths’ normal developmental tendencies to react anxiously and distrustfully to unfamiliar individuals (based on their limited life experiences and their preoccupation with peers’ responses) especially if the adult(s) appear physically or verbally angry, threatening, or intimidating.

Youth are more likely to over-interpret negative emotions or statements so police officers should adopt a calm, collaborative, respectful, and firm demeanor when interacting with youth in order to achieve a cooperative or neutral response, and to de-escalate and calm youth whose initial response is fight-flight-freeze.

When interacting with youth who are either victims of, or witnesses to, criminal activity, officers must be cognizant of the potentially profound and long-lasting impact of trauma on youth’s security, health, cognitive and emotional capacity to interact with authority figures.

**De-Escalation & Use of Force on Youth:**

It is the policy of the X.P.D. to engage in developmentally-appropriate and trauma-informed de-escalation strategies when interacting with youth whenever possible. Use of force against youth must always be considered as a last resort.

Officers must use the least amount of force necessary and only that level that is appropriate based on the age, body-size, disability status, relative strength, and risk posed by the youth in order to stabilize the situation and protect the safety of the involved youth, Department members, and the public.

**De-Escalation Tactics**

When necessary, officers interacting with youth shall employ developmentally-appropriate, trauma-informed crisis intervention tactics designed to de-escalate the encounter, reduce triggering traumatic responses, and eliminate the need to use force. These practices require officers to use a problem-solving approach and communication strategies. It is key that officers be aware of their own stress level and the role their demeanor plays in the escalation of an interaction.

A developmentally-appropriate use-of-force and de-escalation approach includes the following components, adapted from recommendations of the National Institute for Justice:[[2]](#endnote-2)

Officer Presence. In recognition that the mere physical presence of an officer can be intimidating and threatening to youth, when possible, Officers should begin interactions with youth by:

1. approaching youth in a non-confrontational manner to diffuse tension and anxiety,
2. avoiding quick movements and minimize commotion and stimulation to reduce triggering traumatic responses in youth and increase their compliance,
3. creating distance/separate youth from peers for questioning or to investigate a situation,
4. explaining the purpose of the stop in simple, direct language.

Communication Strategies. Youth often respond to tone more immediately than verbal directives which can easily lead to an unexpected and unwelcome response to a simple request/instruction. Officers can minimize that potential by:

1. using a calm and measured tone to gain voluntary compliance.
2. using simple, concrete language and short direct phrases, using affirmative rather than negative commands, e.g. *do* versus *don’t*.
3. using repetition in a clear voice to reinforce instructions.
4. repeating back what youth say to demonstrate officers’ understanding of the youth’s statements, offer an opportunity for clarification, and slow down the interaction.
5. not using from threats and intimidation, or other gestures or behaviors that may be seen as aggressive, to gain compliance.
6. allowing youth to make choices when appropriate, even if it is only the appearance of a choice to gain compliance.
7. allowing time for youth to comply, including consideration of the environment and competing stimulus (e.g. sirens, flashing lights, noise, commotion).

**Use of Force with Youth:**

When determining whether, and to what degree, to use force when responding to youth, officers must be mindful of both the circumstances giving rise to the encounter and to the environment in which the interaction is taking place, especially when it occurs in child-centric locations such as homes, schools, playgrounds, and recreation centers. Transit Officers discretion to use force is informed by the following policies

1. Use of force is prohibited except where deemed the only means by which a situation can be stabilized.
2. Force is not to be used for expediency or punishment.
3. Physical force of any kind must be objectively reasonable, necessary, proportional to the circumstances and consistent with the age, body-size, disability status, relative strength, and risk posed by the youth.
4. The physical attributes of the officer relative to the youth must also inform the degree of force reasonably necessary and objectively reasonable to stabilize a situation.
5. Use of force is never permitted on youth in restraints.
6. If a youth is lying in a horizontal position after a use of force and/or handcuffing, move the youth to a sitting or upright position to avoid positional asphyxiation.
7. Officers shall reinitiate de-escalation techniques after handcuffing and/or use of force if appropriate.
8. If injury occurs, immediate steps shall be taken to provide medical assistance.

An Officer observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, shall immediately intervene to prevent the use of unnecessary and unreasonable force on youth. The intervening officer will, as soon as possible, report the suspected unreasonable use of force to an uninvolved supervisor and submit a written report on the incident before the end of his/her shift.

Every instance of use of force on a youth will be reviewed by supervisors to ascertain whether it was in compliance with the Use of Force policies of the X.P.D.

**Handcuffing**Officers may, when it is objectively reasonable, use handcuffs on youth, including juveniles, who are in custody, including custody solely for the purpose of psychiatric evaluation.

Officers shall consider the totality of the circumstances when determining whether to use handcuffs, as handcuffs may trigger a traumatic response. These factors include but are not limited to the following factors:

* 1. The severity of the crime(s) at issue
	2. The age of the subject
	3. The risk of harm to the subject or others
	4. The subject’s efforts to escape

Use of handcuffs shall be explained to the youth being handcuffed and to the parent/family member in a tactful manner, using age***-***appropriate language.

 **Pressure Point Control Techniques:**Members are prohibited from utilizing pain compliance or pressure point control techniques on juveniles unless the encounter rises to a deadly force situation.[[3]](#endnote-3)

**Use of Conducted Electrical Weapons (CEWs):**The CEW shall not be used on a juvenile or a person that appears to be under the age of 18 unless the encounter rises to a situation in which the only available alternative is *deadly* force.

**Rendering First Aid:**Following any use-of-force in which the youth claims injury or requests medical attention or where a reasonable person would believe that the youth has been injured, officers shall ensure that the youth is promptly evaluated by qualified medical personnel and/or transported to a medical emergency facility.Where use of CEW, OC spray orshooting has occurred, officers must provide immediate first aid medical attention.

**Investigative Stops of Juveniles:**When conducting field interrogations, or *Terry* stops of youth, officers should be aware that many of the potential behavioral responses they observe may be “normal” youth responses and may reflect traumatized responses. Officers must be aware that normative and traumatized youth responses may impact the tenor and evolution of a *Terry* stop in unintended ways. These responses may include:[[4]](#endnote-4)

* physical resistance, including fleeing,
* verbal challenges,
* freezing or unexpected non-responsiveness,
* outright disregard for police directives,
* resignation to perceived mistreatment and false confessions (e.g. “I’ll be found guilty no matter what I do so I’ll just say I did it to go home”) and,
* evasion.

Officers must not arrest youth for disorderly conduct and similar discretionary offenses when the right-of-arrest is based solely on the youth’s response to the stop instead of the behavior justifying the initial contact/interaction.

Where appropriate, officers shall employ developmentally-appropriate, trauma-informed tactics to de-escalate the encounter as provided in the academy and in-service training. These tactics include but are not limited to:

* using the youth’s name when possible – introducing oneself, asking for a first name;
* distracting youth to give him/her time to self-regulate;
* giving youth simple clear instructions and time to process the encounter; and
* considering the need for personal space and the clear power differential between the youth and the officer;
* separating youth from one another to remove youth “audiences” that may escalate the incident;
* reducing triggers – language and non-verbal behaviors that escalate, humiliate, shame, provoke, threaten that negatively affect youths’ ability to process directions;
* being attentive to the youth’s ***actions*** over his/her words as youth often may comply regardless of verbalizing otherwise;
* giving youth an opportunity to vent;
* proposing finding a way to handle the situation together;
* recognizing one’s own stress reactions, e.g., frustration, physical tension, fatigue, and using stress management tactics to prevent over-reaction.

**Diversion of Juvenile Matters Without Arrest:**Officers may exercise reasonable discretion as outlined in this policy to determine appropriate actions. Priority should be given to use of diversion and intervention strategies. Factors to be considered in determining the appropriate enforcement action should include:

* Characteristics of Youth
	+ the youth’s age
	+ disability status
	+ the youth’s apparent physical health (e.g. diabetic or seizure illnesses),
	+ the youth’s apparent mental and emotional stability (e.g. demonstrating mental illness, failure to take medications),
	+ the youth’s apparent social emotional maturity, and competence (e.g. under the influence of drugs);
* Prior Contacts and Offending History
	+ the youth’s past involvement with police and other elements of the criminal justice system including probation and parole;
	+ is the youth/behavior affiliated in some manner with gang activity;
	+ the degree and seriousness of possible gang affiliation based on the following:
		- Is the youth a leader?
		- Is the youth someone who joined to avoid victimization?
		- Is the affiliation genuine (some youth brag about gang involvement but are not in fact gang affiliated)?
	+ the impact on victim(s) regarding harm, loss, and possibility of retaliation; and,
	+ the nature and seriousness of the alleged offense;
* **Community**
	+ the existence and availability of community-based alternatives;
	+ public safety.

The investigating officer or supervisor shall select the option which least restricts the youth’s freedom of movement and separation from their family and community, provided that option is consistent with preserving public safety, order, and individual liberty.[[5]](#endnote-5)

Pursuant to options available in each jurisdiction, alternatives to arrest may include:

1. **Warn and Release** without further action. Officers may release the youth to his/her parent or other responsible adult when appropriate.
2. **Informal counseling** by the officer guided by principles of restorative justice aimed toward helping the youth to take personal responsibility for his/her conduct and to see the impact of his/her behavior on others.
3. **Referral** to an appropriate community social service or mental health agency, particularly when problems related to mental illness, including suicidal gestures and behaviors, drug use or other substance abuse, and/or personal or family crises, appear to be involved or serve as an influence on the youth’s behavior.
4. **Stationhouse** warning and adjustment.
5. **Issuance of a summons, complaint, or civil citations**.
1. Juvenile Detention Alternatives Initiative (JDAI), *Detention Reform: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice*, 5, Annie E. Casey Foundation (2009). [↑](#endnote-ref-1)
2. National Institute of Justice (NIJ) <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/Pages/continuum.aspx_> [↑](#endnote-ref-2)
3. See, *Memorandum of Agreement Regarding the Juvenile Court of Memphis and Shelby County*, U.S. Department of Justice, Civil Rights Division, December 17, 2012, states, “No later than the Effective Date, the Facility *shall continue to prohibit* all use of a restraint chair and *pressure point control tactics*” (at 28, Paragraph 1, Section 1a); “Approved use of force curriculum, including the use of verbal de-escalation and *prohibition on use of* the restraint chair and *pressure point control tactics*” (at 32, Paragraph 1, Section 3a) [emphasis added.]   [↑](#endnote-ref-3)
4. *See* Bonnie, Richard et al, Reforming Juvenile Justice: A Developmental Approach*,* 195 (National Academies Press 2012) [↑](#endnote-ref-4)
5. Commission on Accreditation for Law Enforcement (CALEA), *Standard 44.2.1, Juvenile Operations*, (July 2006). [↑](#endnote-ref-5)