

10 Policies for Youth Justice Campaign

A campaign to set agency standards for law enforcement interactions with youth.

We Need Your Help

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About SFY

[Strategies for Youth, Inc.](#) is a national policy and training organization dedicated to improving police/youth interactions and to reducing ethnic and racial disparities in youth arrest rates by promoting developmentally appropriate, trauma-informed, racially equitable practices, policies & partnerships.

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POLICY 1. Overview of Youth Interactions Policy

Overview of Policy Objectives

This section of the proposed law enforcement agency (hereinafter, “The Agency”) policy will set forth the purpose and philosophy of interactions with youth.

Purpose

- This Youth Interactions Policy provides law enforcement officers (LEOs) with guidance for interactions with youth that promote compliance with the law, socialize youth to their legal rights and obligations, and build positive relationships. These policies are intended to equip officers with developmentally appropriate strategies for responding to youth’s behavior that enhance public safety.
- This Policy is based on the premise that LEOs who routinely interact with youth require special skills, knowledge, and approaches. To be effective, LEOs must understand that the unique nature of adolescence is characterized by:
 - risk-taking behaviors,
 - limited capacity for self-regulation,
 - limited capacity to anticipate consequences accurately, and
 - heightened sensitivity to peer pressure and immediate rewards.
- Decisions made by LEOs about whether to arrest, issue a court summons, and/or detain at the initial point of contact have long-lasting, and potentially detrimental, impact on the lives of youth. BIPOC youth and youth with substance abuse problems, developmental disabilities, and trauma histories, experience disproportionately high arrest and detention rates.
- The responsible exercise of law enforcement’s gatekeeper role requires LEOs to be mindful of the collateral consequences of an arrest or formal introduction to the juvenile justice system on a young person’s educational, employment, and housing options. Arrest of youth should be considered **a response of last resort**.

Definitions

Define terms, including terms regarding the names of institutions responsible for youth (e.g. Juvenile Detention Center) and legal terms unique to youth (e.g. status offender).

Training

Policies are to be aligned with training on:

- youth development,
- developmentally-appropriate, trauma-informed communication and interaction strategies,
- de-escalation practices and best practices for asserting authority effectively with youth,
- bias awareness and equitable treatment of youth who experience disproportionately high rates of police contact, and
- unique legal aspects of policing youth.

Additional Sample Policy Language

- Clarifies youth are developmentally different and must be treated differently; the goal of juvenile justice is rehabilitation;
- Explicitly states that law enforcement interactions with youth should adopt developmentally appropriate, trauma-informed, equitable approaches—including communication, conduct, and legal responses—that take into account youths’ developmental differences from adults and the special protections to which they are entitled;
- Explicitly recognizes that youth are entitled to constitutional protections;
- Commits to using procedural justice practices, including additional strategies with youth including expressing care and concern for the youth and avoiding use of predatory behavior that exploits youths’ structural vulnerabilities;
- Acknowledges the agency’s obligations to adhere to the Juvenile Justice Delinquency Prevention Act (JJDP A) when transporting youth to booking and lockups; explicitly recognizes that the agency is committed to meeting the JJDP A’s requirement to reduce police contact that exacerbates ethnic and racial disparities;
- Explicitly commits to bias-free policing of youth;
- Clarifies the difference between status offenses and criminal offenses;
- Recognizes importance of de-escalation and alternatives to arrest;
- Explicitly commits agency to developing partnerships with youth-serving community-based organizations to support youth;
- States the age of juvenile court authority over youth and the age at which arrest may occur;
- Provides definitions of institutions in the jurisdiction that share responsibility for youth.

POLICY 2. Investigatory Stops, and Search and Seizure of Youth

Overview of Policy Objectives

This section of the proposed policy will cover both the law and best practices for stops, seizures and other initial interactions using language from consent decrees, best practices, and new statutes:

Investigative Stops

Officers must have reasonable articulable suspicion to initiate an investigatory stop. They must use the least coercive, least intrusive and restrictive, among reasonable alternatives, consistent with preserving the public’s confidence, public safety, and positive relationships with youth.

LEOs must be aware of that their presence can impact how an investigatory stop proceeds in unintended ways and take into account that youths’ potential behavioral responses may reflect fear, anxiety, and trauma. These responses may include but are not limited to:

- Fleeing
- Verbal challenges
- Freezing or unexpected non-responsiveness
- Outright disregard for police directives

- Presumption of mistreatment

Behavioral responses alone cannot provide the basis for probable cause for arrest.

For a general review of the standards and procedures to be followed when conducting field interrogations, or *Terry* stops, see General Order on Investigative Stops. Officers should be aware of youths' potential response that may impact the tenor and evolution of a *Terry* stop in unintended ways. Where appropriate, officers shall employ developmentally-appropriate tactics to avoid escalating the encounter and to de-escalate it.

- LEOs shall not engage in a foot pursuit with youth unless they have reasonable articulable suspicion that the youth has committed, is committing, or is about to commit a crime.
- Members shall not engage in a vehicle pursuit with youth.

Diversion of Juvenile Matters Without Arrest

Where probable cause exists that a youth has engaged in unlawful behavior, officers may exercise reasonable discretion and consider the following alternatives to arrest:

- **Warn and release** without further action.
- **Informal counseling** by the officer guided by principles of restorative justice.
- **Referral to an appropriate community** social service or mental health agency.
- **Station house** warning and adjustment.
- **Issuance of Citation.**

Bias-Free Policing and Disproportionate Minority Contact with Youth

Officers are directed to review General Orders for guidance on this topic, including an understanding of how implicit biases, of which one may be unaware, can nonetheless significantly influence one's behavior, actions and decisions, particularly under stress.

Because of the enormous discretionary power bestowed upon LEOs, they have a special responsibility to reduce the impact of bias in their actions.

Additional Sample Policy Language

- Defines contact, consent, exigent circumstances, stops, *Terry* stop, and search;
- Describes expected conduct and communication style of officer conducting investigatory stop and/or search to reduce escalation of interaction;
- Defines reasonable suspicion and probable cause and obligations to be able to articulate both to youth in developmentally appropriate language at the time of the stop and any search, as well as to parents/caregivers;
- Reiterates commitment to constitutional and bias-free policing during such contact;
- Includes officers' obligations to explain the conduct of a pat-down/pat frisk with youth in developmentally appropriate language, and instructions for how to accommodate same-gender officer to conduct frisk;
- Includes officers' obligation to adopt a trauma-informed approach to all pat-downs/pat-frisks of youth, especially when same-gender officer is not available to conduct the frisk;

POLICY 3. Arrest, Transport, Booking and Temporary Custody

Overview of Policy Objectives

This section of the proposed policy will integrate USDOJ consent decrees, statutes, the [Juvenile Justice Delinquency Prevention Act](#), (JJDP), 42 U.S.C. Sec. 5633, as well as best practices.

Arrest and Temporary Custody of Youth

Once youth are in custody, every effort will be made to reduce the trauma associated with confinement by keeping them safe, ensuring that at all times, including transport, youth are separated by “sight and sound” from adults in custody. LEO shall relinquish custody to a parent, guardian, or other responsible adult as soon as reasonably practicable. In adherence to the legal obligations under the JJDP, youth shall be held in temporary custody of law enforcement only as reasonably necessary; custody may not exceed six (6) hours.

Youth Who Shall Not Be Held

Youth who exhibit any of the following conditions shall not be taken into the custody of the Agency: seriously injured, unconscious, significantly intoxicated, a known suicide risk or obviously severely emotionally disturbed or otherwise in crisis.

Non-Secure Custody

Under no circumstances shall a victim, status offender or youth alleged to be dependent, neglected, or abused, be held in secure custody. Youth taken into protective custody shall not be held by the Agency.

Secure Custody

Secure custody and referral to the juvenile justice system will be restricted to those cases involving serious criminal conduct or repeated criminal violations.

Booking and Processing of Youth

Officers shall take immediate steps to notify a youth’s parent, guardian or a responsible relative that a youth is in custody, the location where the youth is being held and the intended disposition. Pursuant to the JJDP, , booking and processing youth in custody requires that youth have auditory access to the supervising officer(s), be personally observed by supervisory personnel no less than every 30 minutes; be detained for a period not to exceed 6 hours at which point they may be released to a parent, legal guardian, or responsible adult or transported to detention.

Sight and Sound Separation

Pursuant to the JJDP, “sight and sound separation” shall be maintained between all youth and adults while in the Agency’s custody including during transport.

Release of Information Concerning Youth

LEOs and the Agency shall not divulge any information regarding youth unless they have the legal authority to do so.

Additional Sample Policy Language

- Includes definition of terms;
- Clarifies policies for arrest procedures and when use of restraints is permitted; prohibits use of restraints such as cuffs, on children under the age of 12 generally and for children under 12 who are experiencing mental health crises;

- Includes requirements to transport youth in custody sight and sound separated by gender, from adults, pursuant to the JJDPa;
- Requires officers to contact and notify parents, caregivers;
- No detention of a youth is permitted absent reasonable articulable suspicion that a crime has been committed by the youth;
- LEOs must respond to youth that they are free to leave in the absence of reasonable articulable suspicion to detain the youth;
- Includes policies for conduct of officers during booking and when holding youth in temporary custody at law enforcement agency prior to release or transport to alternative lock up or detention center;
- Requires officers to provide medical attention at medical treatment facility for youth who request it, have been injured, experiencing a mental health crisis, and after use of law enforcement weapons on youth.

POLICY 4. *Miranda* Warnings, Waiver of Rights, and Interrogating Youth

Overview of Policy Objectives

This section of the proposed policy will integrate statutes, case law, law enforcement agency policies resulting from legal challenges, as well as recommendations of scholars, scientists and national standard-setting organizations.

Interviews and Interrogations of Youth

Developmental differences between adults and youth require that officers take special care to ensure that youth interviews and interrogations are conducted to ensure voluntary, reliable results. A developmentally-appropriate, trauma-informed approach requires officers to remember that youth are more likely to over-value immediate rewards (e.g. completing the interview, going home, sleeping, etc.) and less able than adults to consider the long-term consequences of their actions and decisions. This makes them less capable of either understanding or appreciating the constitutional protections afforded to them and the consequences associated with waiving those protections.

All efforts to provide youth with their constitutional rights must be conducted in a developmentally-appropriate, trauma-informed manner, using age-appropriate language, providing adequate time to review and have youth demonstrate that understanding of each right, and the opportunity for meaningful, private consultation with an attorney prior to deciding whether to waive rights and/or proceed with an interrogation.

Determining Custody

To determine whether a youth is in custody for purposes of *Miranda*, courts will examine the circumstances surrounding the interrogation and ask whether, given those circumstances, a “reasonable juvenile” would have felt free to leave.

The U.S. Supreme Court has cautioned that “a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go.”¹ Age is a factor to be considered under the totality of circumstances in determining custody, regarding the timing and circumstances in officers’ questioning of youth.

¹ *J.D.B. v. North Carolina*, 131 S.Ct. 2394, 2403 (2011).

Administering Juvenile *Miranda* Warning

Youth must be advised of their *Miranda* rights in a clear and understandable way prior to custodial interrogation.²

- **Timing** of Administration of *Miranda* Warnings: U.S. Supreme Court decisions require law enforcement officers to administer *Miranda* warnings when a youth is likely to perceive themselves in custody, e.g. not free to leave.
- **Age-appropriate Method of Providing *Miranda* Warnings to Youth:** Each warning should be read slowly, one at a time. Officers should not make assumptions about a youth's literacy. To ensure solid understanding, youth should be asked to explain each warning in their own words after it is read. Because age is not a reliable indicator of reading comprehension level, SFY recommends adoption of the International Association of Chiefs of Police age-appropriate language for *Miranda* warnings:
 - You have the right to remain silent. That means you do not have to say anything.
 - Anything you say can be used against you in court.
 - You have the right to get help from a lawyer right now.
 - You also have a right to have your mother, father, or another adult here.
 - If you or your family cannot pay a lawyer, the court will get you one for free.
 - You have the right to stop this interview at any time.
 - Do you want to talk to me?
 - Do you want to have a lawyer with you while you talk to me?
 - Do you want your mother, father, or another adult concerned about you here while you talk to me?

Officers must stop questioning youth when the youth has requested an attorney. If a youth asks for a parent or other adult to be present, officers should stop questioning until that adult is present.

Obtaining *Miranda* Waivers

Youth must be given the opportunity for meaningful, private consultation with an attorney prior to waiving their rights or continuing with an interrogation.

Miranda waivers are typically accepted as valid when the totality-of-the-circumstances demonstrate the waiver was knowing, intelligent and voluntary. Factors considered include:

1. the youth's age, mentality, and prior juvenile justice system experience;
2. the length and intensity of the interrogation; and
3. the existence of physical deprivation, inducement, coercion or deception.

Questioning Youth

To obtain statements that are voluntary and reliable from youth, officers must be aware that youth are more suggestible and vulnerable to the inherent pressures and power dynamics of interrogation and more likely to placate their questioners by guessing until they discover the desired answer. Officers should:

- Clarify purpose.
- Make sure that questioning takes place in a private room for periods of less than 2 hours.
- Provide opportunities for a youth to clear his/her mind and to eat, drink and use the restroom, as well as stop answering questions.

² IACP Model Policy Juvenile Enforcement and Custody.

- Make sure that the entire interview is video recorded, beginning when the officer first speaks to the youth and ending after the final question is answered.
- Explain next steps.
- Record the provision of *Miranda* warnings and the youth's *Miranda* waiver (for serious felonies).
- Be prohibited from using deceit during the interrogation.

Additional Sample Policy Language

- Includes definition of terms;
- Requires officers to provide *Miranda* warnings in language that is developmentally appropriate, and must consider youth's age, frame of mind when warned, who is present when the warnings are provided;
- Includes provision about the timing of an officer's issuing of *Miranda* warnings to youth when a youth would reasonably conclude they are not free to leave the officers' presence;
- Identifies procedures for handling timing of *Miranda* warnings when youth has been hurt, is in crisis, or under the influence;
- Identifies procedures for handling timing of *Miranda* warnings between midnight and 7 am;
- Provides method of *Miranda* warnings in a developmentally-appropriate manner that require youth to explain each warning in their own words, using the IACP standard approach;³
- Specifies that waiver of *Miranda* protections should accord, de minimis, with state decisions and/or statutes, be free of coercion including deception and promises of leniency for waiving rights, and recorded;
- Requires law enforcement officers to stop questioning when youth requests an attorney; repeat *Miranda* warning for all subsequent questioning after a break of longer than 30 minutes; handle any doubt about timing of warnings in favor of re-administering the warnings.

The Agency commits to:

- Interrogating youth using developmentally appropriate, trauma-informed, equitable approaches and prohibiting use of the "Reid Technique" and other discredited practices;
- Prohibiting use of force or threats of force by officers or others who may access the youth being interrogated (e.g. peers, cellmates);
- Avoiding physical deprivation, sleep deprivation, or keeping youth waiting for long periods of time after being *Miranda*-ized;
- Prohibiting use of deceit, including false promises of leniency, threats of attorneys being costly or unable to adequately represent youth, false claims of evidence and statements among other coercive tactics;
- Ensuring that youth are provided with access to an attorney;
- Prohibit locking youth in interview rooms unattended.

³ IACP Training Key 652.

POLICY 5. Use of Force with Youth

Overview of Policy Objectives

This section of the proposed policy will integrate language from USDOJ consent decrees, statutes, law enforcement agencies policies developed in response to lawsuits challenging the use of force generally and the use of particular techniques and weapons, as well as recommendations from national task forces and law enforcement organizations.

General Guidelines

It is the policy of this Agency to engage in developmentally-appropriate and trauma-informed de-escalation strategies when interacting with youth. Officers must use the least amount of force appropriate to the age, body-size, disability status, relative strength, and risk posed by the youth to stabilize the situation and protect the safety of the involved youth, LEOs, and the public. All officer conduct must adhere to a least-intrusive, least-restrictive, least-harmful approach. Force may not be used for expediency or punishment.

De-Escalation Tactics with Youth

When necessary, officers interacting with youth shall employ developmentally-appropriate tactics designed to de-escalate the encounter, avoid use of threats or escalating incidents to reduce triggering escalated responses, and eliminate the need to use force. When determining whether, and to what degree, to use force, officers must consider the totality of the circumstances giving rise to the encounter and to the environment in which the interaction is taking place. This is especially true when it occurs in child/youth-centric locations such as schools, playgrounds, and recreation centers where others will be impacted by the interaction. A developmentally-appropriate de-escalation approach includes the following components, adapted from recommendations of the National Institute for Justice:⁴

1. Officer Presence

The mere physical presence of an officer can be intimidating and threatening to youth. Approach youth in a non-confrontational manner to diffuse tension and anxiety while maintaining safety.

2. Communication Strategies

- Use of calm and measured tone, simple, concrete language and short, direct phrases to gain compliance.
- Use of repetition to reinforce instructions.
- Avoid threats and intimidation to gain compliance.
- Allow youth to make choices when appropriate, even if it is only the appearance of a choice to gain compliance.
- Allow ample time for youth to process the directives and comply.

3. Empty Hand Control

- 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.
- Physical attributes of the officer relative to the youth must also inform the degree of force necessary and objectively reasonable to stabilize a situation.
- Use of force is never permitted on youth in restraints.
- Conducted Electrical Weapons, pain compliance or pressure point control techniques on youth are prohibited unless the encounter arises to a deadly force situation.

⁴ National Institute of Justice (NIJ) <http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/Pages/continuum.aspx>

Additional Sample Policy Language

- Officers should take affirmative steps to avoid use of force with youth;
- When considering use of force, including use of weapons, officers must consider first:
 - Whether they have exhausted all de-escalation strategies;
 - Whether the youth's conduct poses imminent risk or harm to anyone;
 - The youth's age and capacity to understand the situation;
 - The physical size and build of the youth and the harm of officer's use of force on the youth;
- LEOs will not use conducted electrical weapons with youth;
- LEOs use of chemical sprays, such as Mace, or OC gas with youth will be limited to instances where it is the only least lethal response available;
- LEOs use of guns:
 - May not be pointed at youth and used for the purpose of coercing statements, conduct, or compliance;
 - May not be used to wound or kill youth who are fleeing.
 - May not be used with youth who are not in possession of a weapon.
 - May not be used experiencing mental health crises.

POLICY 6. Fair and Impartial Policing

Overview of Policy Objectives

This section of the proposed policy will integrate JJDP, state statutes, case law, law enforcement agency policies resulting from legal challenges, as well as recommendations of scholars and national standard-setting organizations. The two groups of youth experiencing the proposal will focus on are 1) youth of color, and 2) LGBTQ youth. These groups of youth, presently and historically, experience disproportionately high levels of police contact, arrest and use of force.

Youth of Color

It is the policy of this agency to apply and administer all contact, interaction, enforcement actions, use of investigatory stops, interviews, restraints, detentions, use of force, without discriminating on the basis ethnicity or race. Factors including a youth's ethnicity and race do not alone justify contact, investigatory stops, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others, in the absence of violation of the law.

LGBTQ Youth

It is the policy of this agency to apply and administer all contact, interaction, enforcement actions, use of restraints, detentions, and interviews without discriminating on the basis of gender, sexual orientation, gender identity, or gender expression. Factors such as a youth's sexual orientation, gender identity and expression, dress, age, unusual or disheveled appearance, do not alone justify contact, investigatory stops, a request for identification or an order to move on, nor do general complaints from residents, merchants or others.

Additional Sample Policy Language

Ethnic & Racial Disparities

The JJDPa directs law enforcement to reduce ethnic and racial disparities in police contact. The Agency:

- Commits to bias free policing and engage in data collection to document its extent, as well as training and additional supervision for individual LEOs who appear to have disproportionate rates of arrest of youth of color;
- Will discipline LEOs using disparaging racial language;
- Will annually collect, document and publicly report ethnic and racial disparities in LEOs' investigatory stops, contacts, arrests, and use of force;
- Will annually investigate whether there are ethnic and racial disparities in LEOs' referral of cases for prosecution by ethnicity, race and charge.

Disparities in Contact of LGBTQ Youth

The agency will:

- Commit to bias free policing and engage in data collection to document its extent, as well as training and additional supervision for individual LEOs who appear to have disproportionate rates of arrest of youth of color;
- Commit to not arrest youth for questioning whether anti-LGBTQ+ sentiment motivates the arrest of youth;
- Discipline officers using disparaging LGBTQ+ language;
- Annually collect, document and publicly report LEOs' referral of cases for prosecution by age, LGBTQ status and charge.

POLICY 7. Youth with Disabilities, Youth Experiencing Mental Health Crises and Youth Impaired by Drugs and Alcohol

Overview of Policy Objectives

This section of the proposed policy will integrate the key concepts of crisis intervention policies and the first policy for crisis intervention for youth adopted by the Cleveland Division of Police, and since used as a model by other Agencies. In addition, this policy will integrate state statutes, case law, law enforcement agency policies resulting from legal challenges, as well as recommendations of scholars and national standard-setting organizations.

Youth in Crisis

Officers must respond to youth in crisis in a developmentally-appropriate trauma-informed manner to ensure the safety of both youth and officers and to effectively and humanely resolve incidents without risking unnecessary escalation. When interacting with youth with disabilities, officers are required to modify their practices.

Officers responding to a crisis intervention incident who find that a youth is in need of psychiatric care, whether or not under arrest, shall:

- Attempt to de-escalate in a manner that reflects an age-appropriate approach;
- Contact the agency's mobile crisis response team or a designated CRT officer, social worker, or mental health worker partnering with the Agency;
- Prepare a list of the youth's symptoms including the possibility of being under the influence of drugs or alcohol;
- Partner with the CIT officers to determine the most appropriate level of care and if needed, an appropriate facility.

Use of Force

Officers shall only use that force which is necessary, proportional to the level of resistance, and objectively reasonable based on the totality of the circumstances confronting the officer. Force is NOT to be used for expediency.

Use of Restraints

Handcuffing of youth is only permitted for youth who are in custody, when objectively reasonable, including custody solely for the purpose of psychiatric evaluation. Handcuffing is not permitted of youth aged 10 and under unless the youth poses imminent risk of harm to him/herself or to others.

Use of restraints must be based on consideration of the totality of the circumstances, including whether use of handcuffs may trigger a traumatic response. These factors include but are not limited to the following factors:

- age of the youth;
- the risk of harm to the child or youth or others;
- efforts to escape.

Use of handcuffs shall be explained to the individual being handcuffed and to the parent/family in a tactful manner, using age-appropriate language for children and youth. Once the child/youth in crisis is calm officers

- shall keep the child/youth under constant observation while in custody;
- may remove the handcuffs.

Additional Sample Policy Language

- Policies should include definition of terms and conduct that reflect most prevalent crisis situations;
- Dispatchers should send trained, crisis intervention officers to such incidents when aware that they involve a youth in crisis, experiencing a developmental disability, and being under the influence of drugs/alcohol;
- Responding officers' first obligation is to assess the situation (including identifying and asking a family member/friend is aware of special conditions or need) and ensure youth is safe, request medical service response;
- Officers should use de-escalation techniques and discuss resolutions; limit interactions to one officer communicating with youth; use age-appropriate communication style and avoid threats;
- Officers must consider how their use of law enforcement techniques may affect, including escalating, the youth's condition and attempt to avoid exacerbating it;
- Officers must consider the following factors before deciding to arrest: severity of the crime, the capacity of the youth to form intent, the age of the youth, the impairment of the youth, the risk of harm the youth poses to others, and the youth's efforts to escape;
- Officers must determine whether the matter requires law enforcement intervention or can be handled by youth and family without it;
- Policies should describe procedures for keeping youth's family/caretakers involved and aware;
- Officers may not use force to expedite an interaction;
- Officer should avoid use of force and restraints to avoid triggering escalated responses;
- When officers must handcuff or restraint youth, they must repeat de-escalation efforts upon completion of cuffing and during transport to medical facility or to law enforcement booking.

POLICY 8. Protection of Other Vulnerable Youth

Overview of Policy Objectives

This section of the proposed law enforcement agency policy will include policies drawn from research, from lawsuits recommending policy reforms, consent decrees and from statutes addressing the rights and protections to which these youth are entitled.

Special Circumstances Involving Youth and Special Youth Populations

Police encounter many youth who are challenged by exposure to violence, mental health issues, and environmental factors beyond their control. The policies in this section guide officers' interactions with youth in a variety of challenging circumstances. Components of a comprehensive policy should include policies and practices that address:

Executing Search Warrants & Arresting Parents in The Presence of Their Children

Exposure to the arrest of parents, including in situations where search warrants are executive, have long-term harmful, traumatic impacts on youth that can permanently affect future interactions between police and youth. As part of its commitment to protecting children and youth, the Agency commits to reducing youth's exposure to trauma and violence, including observing the arrest of their parents/caretakers/relatives by adhering to practices and policies that demonstrate a developmentally-appropriate, trauma-informed responses to children.

Agencies commit to training LEOs in best practices for such interactions, including ways of shielding children and youth from observing the law enforcement interaction as well as partnering with social service agencies to assist and be on the scene when parental arrest is anticipated and/or when execution of a search warrant occurs.

Agencies and LEOs that routinely execute search warrants commit to:

- Rigorous pre-warrant investigations to ensure the warrant will be executed in the proper location; identify the presence of children and youth living on the premises and their daily customs;
- Conducting execution of warrants to avoid interactions with children and youth in the residence;
- Affirmatively act to protect children and youth at the scene, ensuring that they are properly clothed before keeping them outside, and prohibit destruction of their property (e.g. toys, computers);
- Officers will immediately assess whether children/youth on premises need medical attention;
- Prohibit pointing guns at children/youth found at the scene; prohibit use of restraints on children;
- Prohibit interrogation of children/youth on the scene in an effort to obtain information on contraband or fugitives or ascertain whether an abuser has harmed persons in the home.

Sexually Trafficked Children and Youth

Any person under the age of 18 engaged in commercial sexual activity is to be treated as a victim in need of protection. In view of the challenging nature of protecting trafficked youth from their exploiters, special trauma-informed, trafficking-specific approaches are required. Officers working with trafficked youth must be alert for signs that youth are being coerced by fear, duress, threats, intimidation and fraud.

Officers should also assess the functioning of the youth, e.g. ascertain whether the youth may have any cognitive disabilities.

Additional Sample Policy Language

Commercially and Sexually Exploited Children

- Officers and agencies will treat any minor engaged in a commercial sex act, as defined by federal law,⁵ as a victim and will be treated accordingly;
- Law enforcement agencies must be prepared to use specific approaches, including trauma-informed and responsive strategies, for working with youth who are in fear of their exploiters and work with other agencies to address the needs of the exploited youth;
- Officers working with exploited youth must be specially trained;
- Officers must assess whether the exploited youth have additional vulnerabilities including cognitive disabilities, limited family support or family exploitation, being in the custody of the child welfare system.

⁵ Using the Trafficking Victims Protection Act definitions of Trafficking 22 U.S.C. §7102, trafficking refers to a “commercial sex act [which] is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age...The term 'sex trafficking' means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.”

POLICY 9. Interactions with Students

Overview of Policy Objectives

This section of the proposed policy will cover both the law and best practices for law enforcement interactions with youth in response to calls for service or as school resource officers deployed to a school. Public schools serve a variety of youth, including youth with disabilities who are protected by state and federal law.

Responding to Calls for Service in Schools – Law Enforcement Agencies Should:

- Adhere to a Memorandum of Understanding with school officials regarding the use of officers in schools, which should clarify at least the following:
 - Who may make a call for service or involve an officer;
 - For what non-disciplinary purpose;
 - What level of force, restraints may be used.
- Limit law enforcement responses to non-disciplinary matters;
- De-escalate incidents and identify school-based alternatives to arrest or court referral;
- Use minimal restraints and force whenever possible, for instance:
 - No corporal punishment;
 - Limit use of chemical sprays;
 - Limit use of restraints and isolation;
 - Limit use of arm pain compliance/pressure point control;
 - Limit use of shackles;
 - Restrict publicly cuffing youth or using cuffs for purposes other than the need to control a youth to prevent harm to themselves or others.
- Limit use of law enforcement responses to actions requiring arrest under state law;
- Notify parents before conducting non-custodial interviews of youth;
- Should a custodial interview of youth be initiated by an officer, comply with Policy #4, Miranda Warnings, Waiver of Rights, and Interrogating Youth;
- Conduct searches of student property (e.g. lockers, cars parking in the school parking lot) based solely on reasonable suspicion, probable cause, or the presence of an imminent threat;
- In interacting with students with disabilities, confer with school staff to understand the youths' disability before intervening;
- Establish and implement a policy to receive and resolve complaints about officers' actions in schools;
- Policy for law enforcement access to student records and information from schools;
- Establish and implement a policy for interacting with immigrant youth.

POLICY 10. Data Collection and Procedural Transparency

Overview of Policy Objectives

This section of the proposed law enforcement policy will integrate recommended policies for ensuring data collection and for public access to it based on federal law, recommendations of various commissions and advocacy organizations as well as law enforcement agencies that currently recognize the value of making such information publicly available. This policy will also integrate existing research and law enforcement agency policies that commit to transparency and the philosophy of procedural justice to enhance public awareness, understanding and ultimately, accountability of law enforcement practices.

Data Collection

To guide its practices, including deployment of officers and allocation of resources, and inform its responses, the Agency will collect and appropriately manage data on calls for service involving youth, officer dispatch referrals to youth-serving organizations and facilities (e.g. schools, detention, other), field investigation observations, arrests, and charges, as well as use of force reports and complaints made by or on behalf of youth against officers. Data to be collected will include race, gender, age, location of arrest, home address of youth. Data collected should be regularly and routinely publicly shared.

Data Collection and Publication

To ensure the public understands the Agency's policies on use of restraints, force, and the myriad other matters encompassed in policies guiding law enforcement agencies' interactions and responses to calls for service involving youth, all policies of the agency will be made publicly available online.

Additional Sample Policy Language

Policies specify that law enforcement agencies are required to:

- Collect data on referrals to diversion, release to families, referral to prosecution by age, gender, race, ethnicity, location of incident leading to referral;
 - Disaggregate data by officer and location of officer response;
- Annually investigate whether there are ethnic and racial disparities in aggregate of cases referred to prosecution by age, ethnicity, race, and charge;
 - Disaggregate data by officer and location of officer response;
- Annually collect, document, and publicly report officers' referral of cases for prosecution by age, LGBTQ status, and charge;
 - Publish all policies related to policing youth on the website of the agency;
 - Publish results of all data collected annually, including data submitted to the FBI NIBR system.