

Model Policy

Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status

*Strategies for Youth***PURPOSE**

Ensure that: 1) consistent with federal civil rights statutes, the civil rights of Black, Latinx, Native American and Asian youth are respected in interactions with law enforcement¹; 2) law enforcement officers respond to these youth in a developmentally appropriate, trauma-informed, equitable manner; and 3) officers are fair and impartial in their interactions with immigrant youth whose social, legal, and political status renders them uniquely vulnerable in interactions with law enforcement.

POLICY

This policy furthers the commitment to fair and impartial enforcement of the law and the protection of youths' constitutional and statutory rights. It recognizes and seeks to address the longstanding disparities in law enforcement contact with communities of color.

Officers are prohibited from engaging in bias-based policing of youth in law enforcement actions, including, but not limited to, investigative detention or stops, pedestrian and vehicle stops, frisks, arrests, searches, and property seizures. This policy provides guidance to officers about how to conduct youth interactions consistent with these prohibitions.

This policy should be understood and implemented in conjunction with other relevant policies in this policy compendium, including:

- Policy 2: Investigatory Stops, Non-Custodial Interviews, and Search and Seizure of Youth,
- Policy 3: Arrest, Transport, Booking, and Temporary Custody,

- Policy 4: Miranda Warnings, Waiver of Rights, and Youth Interrogations, and
- Policy 5: Use of Force with Youth.

REASONS FOR YOUTH SPECIFIC POLICIES**Why Fair and Impartial Policing of Youth of Color and Immigrant Youth is Important**

- Youth of color, particularly Black youth and Native American youth, are disproportionately subject to arrest. In addition, Black students are disproportionately subject to school-based arrests and referrals by schools to law enforcement.
- Many youth of color, particularly Black youth, are subjected to frequent and routine law enforcement surveillance, including being stopped solely based only on their apparent race and gender, solely because they are in a neighborhood where most people are of color or a perceived "high-crime" neighborhood, or because they are in a White neighborhood.

- Available data indicates that Black youth disproportionately experience the use of force by law enforcement.
- Youth of color may view and react to law enforcement encounters through the prism of their lived experience of negative interactions with law enforcement and from the perspective of troubled relationships and distrust between law enforcement and communities of color, including fears of mistreatment and violence.
- Immigrant youth, especially those who are Latinx and Black, are often policed differently than other immigrants and white youth, consistent with the disparate treatment and experiences of non-immigrant youth of color as described above.
- Local law enforcement has no obligation under federal law to inform federal immigration officials of the presence of immigrant youth (whether lawfully or unlawfully present in the United States) in their jurisdiction. However, in some jurisdictions, local law enforcement officers take advantage of the fact that immigrants may not understand the different legal authority of local law enforcement officers and federal immigration officers, and use their authority to:
 - Demand information from youth they are not entitled to request (e.g. birth certificate, proof of U.S. citizenship) and threaten deportation,
 - Conduct investigatory stops based on youth speaking another language, assuming that only youth who are not lawfully in the United States speak another language,
 - Conduct sweeps in areas where immigrant youth live or frequent, assuming that their national origin makes them predisposed or more likely to be gang-involved,
 - Threaten, either implicitly or explicitly, to report youth to federal immigration officials if the

About SFY's Model Law Enforcement Policies for Youth Interaction

Strategies for Youth's (SFY) "12 Model Law Enforcement Policies for Youth Interaction" is a comprehensive, research- and evidence-based set of guidelines for law enforcement agencies seeking to improve their relations and outcomes with the young people they encounter in the day-to-day course of policing. SFY carefully drafted the policies based on research, case law, statutes, and U.S. Department of Justice consent decrees. A diverse group of national, regional, and state experts and stakeholders also reviewed the policies. In this issue, we highlight SFY's comprehensive Model Policy for Fair and Impartial Policing.

¹ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. Similarly, the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) prohibit discrimination in service provision (as well as in employment) on the basis of race, color, national origin, religion and sex, in connection with any program or activity financed with specific criminal justice-related funds. 42 U.S.C. § 3789d(c).

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DEFINITIONS

AGENCY

This law enforcement agency.

BIAS-BASED POLICING OF YOUTH

Use of a youth's actual or perceived race, color, ethnicity or national origin, religion, disability,² gender, gender identity or sexual orientation³ as a motivating factor in initiating or justifying law enforcement action against the youth, rather than the youth's behavior or other information or circumstances that link the youth to suspected unlawful activity.

DEVELOPMENTALLY APPROPRIATE LANGUAGE

Developmentally appropriate language uses vocabulary, syntax, and speed and complexity of communication that matches an individual's developmental level and capacity for understanding. Developmentally appropriate language is necessary to ensure meaningful communication and increases the likelihood that youth are able to understand and assert their constitutional rights.

IMMIGRANT

A person who leaves their country of origin to seek residence in another country.

NATIONAL ORIGIN

Birthplace, ancestry, culture, or language.

PROCEDURAL JUSTICE FOR YOUTH

Procedural justice is predicated on four core principles. Officers: 1) treat people with dignity and respect regardless of social status, 2) give people voice during interactions, 3) use

² Disability-based discrimination in policing is addressed in Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs and Alcohol.

³ See Policy 7: Fair and Impartial Policing: LGBTQ+ Youth.

neutral and transparent decision-making as well as explanations for the officer's actions, and 4) treat people in a lawful and trustworthy manner.⁴ SFY believes that an additional two core principles are merited for interactions with youth: 1) express concern and care for the youth's well-being and safety, and 2) do not take advantage of the youth's lack of status and power to their disadvantage.

TRAUMA

As defined by the U.S. Department of Health and Human Services, individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

TRAUMA-INFORMED

A trauma-informed **officer**: 1) anticipates that exposure to and experience of trauma is widespread, 2) realizes that the impacts of trauma often lead to reactive, survival behaviors; 3) recognizes hallmarks of traumatic responses, which are often shaped by a perspective of powerlessness, and 4) responds by considering the role trauma may play in a person's response while taking steps to avoid re-traumatization. A trauma-informed law enforcement **agency** supports its officers' trauma-informed responses by promoting awareness of and training about trauma, policies that require training for trauma-informed skills with the public and among officers.

⁴ Tom Tyler is the author of the term procedural justice. His definition was first published in *Why People Obey the Law*. (New Haven, CT: Yale University Press, 1990). He further explained this theory in "Procedural Justice, Legitimacy and the Effective Rule of Law," *Crime & Justice*, vol. 30, 2003, pp.283-357. JSTOR, <http://www.jstor.org/stable/1147701>. The operation and impacts of law enforcement's use of Procedural Justice are available on the U.S. Department of Justice website at: <https://cops.usdoj.gov/proceduraljustice>.

youth fails to cooperate with law enforcement during an investigation, investigatory detention, or questioning.

- Discrimination and bias in policing undermine law enforcement agencies' ability to establish a productive relationship with affected communities and impairs the ability to protect and serve the public. Additional source and background information for this policy can be found in the Supplementary Materials on page X.

PROCEDURE

I. Prohibition on Racially and Ethnically-Biased Law Enforcement

A. Obligation Under the Law to Provide Fair and Unbiased Treatment

The Agency prohibits biased-based policing of youth, including policing based on race, ethnicity or national origin.

1. Law enforcement stops, searches, non-custodial questioning, and arrests of youth will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.
2. Law enforcement interrogations of youth will be conducted pursuant to youth's right of protection against self-incrimination, in accordance with the Fifth Amendment of the U.S. Constitution.
3. Race, color, ethnicity, or national origin can never be used as the sole basis for reasonable suspicion or probable cause in law enforcement actions against youth.
4. Officers shall not express—verbally, in writing, or by other gesture—any prejudice or derogatory comments concerning a youth's race, color, ethnicity, or national origin.
5. Officers shall not coerce and/or deceive youth during interactions, including interrogations, by threatening to arrest or detain youth in the juvenile legal system.

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B. Prohibition on Racial and Ethnic Profiling

1. Except as set out in I.B.5 below, race, color, ethnicity, or national origin may not be used as a motivating factor for initiating law enforcement action against youth.
2. Except as set out in I.B.5 below, race, color, ethnicity, or national origin may not be used as a motivating factor for initiating encounters that do not amount to legal detentions or to request consent to search.
3. Youth may not be targeted for any enforcement action because they are members of a racial or ethnic group that appears more frequently in local crime suspect data or live in an area primarily populated by members of a racial or ethnic group.
4. Race, color, ethnicity, or national origin may not be used as motivation or justification for the stop when a stop is not based on a detailed and specific description.
5. When an officer is determining whether there is reasonable articulable suspicion or probable cause to take a law enforcement action against a youth, the officer may consider race, color, ethnicity, or national origin only when reasonable suspicion or probable cause is based on a specific, locally relevant, detailed and reliable description that includes other identifying characteristics or information, and is not based solely on race, color, ethnicity, or national origin.
6. Officers must be able to articulate specific facts and circumstances that support their use of race, color, ethnicity, or national origin in establishing reasonable suspicion or probable cause of youth.

II. Fair and Unbiased Treatment of Immigrant Youth

A. Obligation Under the Law to Provide Fair and Unbiased Treatment

In addition to procedures requiring fair and unbiased treatment of youth based on race, color, ethnicity, and national origin, the Agency prohibits policing of youth motivated by perceived immigration status.

1. All investigatory stops, searches, non-custodial questioning, and arrests of youth will be based on a standard of reasonable suspicion or probable

cause in accordance with the Fourth Amendment of the U.S. Constitution.

2. Officers may not imply, deceive, or otherwise confuse youth about any connection with officers who have the authority to enforce immigration laws, detention, and deportation.
3. Officers shall not express—verbally, in writing, or by other gesture—any prejudice or derogatory comments concerning a youth’s immigration status or national origin.

B. Prohibition on Profiling Immigrant Youth

1. Immigration status can never be used as the sole basis for reasonable articulable suspicion or probable cause in law enforcement actions against youth, nor can officers use the stop to pursue prosecution based on the suspected youth’s immigration status.
2. Immigration status may not be used as a motivating factor for initiating law enforcement action against youth.
3. Immigration status may not be used as a motivating factor for initiating nonconsensual encounters, even if they do not amount to legal detentions or to request consent to search.
4. Youth may not be targeted for any enforcement action because they are members of a racial or ethnic group that appears more frequently in local crime suspect data or inhabits areas where immigrants are believed to live.
5. Immigrant status as manifested by language, race, color, ethnicity, or national origin may not be used as motivation or justification for the stop that is not based on a detailed and specific description.

C. Interviews and Interrogations of Immigrant Youth

1. Officers may not demand proof of nationality or birth country during investigatory stops of youth.
2. Officers may not seek information from youth about immigration status of friends or family members.
3. Officers shall not coerce and/or deceive youth during interactions, including interrogations, by threatening immigration sanctions—including the threat of detention in an ICE facility, or deportation of the youth and/or their families.
4. Officers will ensure effective communication with immigrant youth who have limited English

proficiency², consistent with Policy 4, Miranda Warnings, Waiver of Rights, and Youth Interrogations, Sections V.C.2, V.D, and IX.E.

III. Agency Obligations to Ensure Fair and Unbiased Policing

A. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and operate in compliance with it.

1. Officers will provide information on how to make a complaint of bias-based policing to any youth who seeks to complain on their own behalf, or any other person who seeks to complain on behalf of a youth.
2. If the person is unwilling to make a complaint directly to the officer, the officer shall inform the person about procedures to contact a supervisor, or about another means within the Agency to make or file a complaint.
3. Supervisors shall ensure that no retaliation, intimidation, coercion, or adverse action is taken against any person, including a member of the Agency, who disclosed information and/or participates in the investigation of a complaint.

B. The Agency will hold officers accountable for any violations of this policy.

1. Officers and employees who have observed or are aware of officers who have engaged in bias-based policing must specifically report such incidents to a supervisor and through any existing Agency internal investigations protocol, providing all information known to them before the end of the shift during which they made the observation or became aware of the incident.
2. The Agency will investigate and resolve allegations of bias-based policing in accord with the Agency’s supervision and disciplinary processes.

² This policy’s reference to law enforcement’s obligations to ensure effective communication with youth who are limited English proficient was based, in part, on guidance issued by the U.S. Department of Justice in 2002. On March 1, 2025, an Executive Order “Designating English as the Official Language of the United States” revoked Executive Order 13166 and directed the Attorney General to rescind any policy guidance documents issued pursuant to EO 13166 and provide updated guidance consistent with applicable law. The Department is currently reviewing guidance documents for compliance with the new Executive Order. The new Executive Order does not “require[] or direct[] any change in the services provided by any agency.” (<https://www.lep.gov/>)

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3. The Agency will investigate and resolve allegations that officers or employees knew of incidents of bias-based policing but did not report them. Supervisors will use the Agency's supervision and/or disciplinary processes to hold officers and employees accountable for failing to report bias-based policing.
4. The Agency will protect officers and employees who report allegations of bias-based policing from retaliation and harassment.
5. The Agency will investigate any situations in which officers used language, displayed symbols, or made gestures commonly viewed as offensive to, or indicative of, bias towards any person based on ethnic or racial characteristics.

IV. Response to Calls for Service and Complaints Based on Bias Against Youth

Officers shall not take law enforcement action based on information from members of the public about youth that—based on the totality of circumstances of the incident—officers know or should know is the product of, or motivated by, bias based on any of the personal characteristics listed above in the definition of Biased-Based Policing of Youth.

Supplementary Materials

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 6: Fair and Impartial Policing of Youth: Race, National Origin, and Immigration Status.

Federal Laws Prohibiting Race and National Origin Discrimination by Law Enforcement Agencies

U.S. DEP'T OF JUST., THE DEPARTMENT'S IMPLEMENTATION AND ADMINISTRATIVE ENFORCEMENT OF TITLE VI AND THE SAFE STREETS ACT (2022)

https://www.ojp.gov/ocr_titlevi

This memorandum describes the Department of Justice's enforcement role in the law enforcement context of Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act.

Federal Guidance on Protected Characteristics and Law Enforcement Interactions

U.S. DEP'T OF JUST., GUIDANCE FOR FEDERAL LAW ENFORCEMENT AGENCIES REGARDING THE USE OF RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, AND DISABILITY (2023)

Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity, and Disability (justice.gov)

This guidance states that “federal law enforcement personnel may not consider race, ethnicity, gender, national origin, religion, sexual orientation, gender identity, or disability in law enforcement or intelligence activities unless the following conditions are met: (1) There is trustworthy context- and content-specific information, with sufficient details regarding factors such as locality, time frame, method, and purpose to provide assurance that the information is reliable and links persons possessing a particular listed characteristic to: an identified criminal incident, scheme, or organization; a threat to national or homeland security; a violation of Federal immigration or customs law; or an authorized intelligence activity; and (2) Law enforcement personnel reasonably believe the law enforcement activity, including national or homeland security operations or intelligence activity to be undertaken is merited under the totality of the circumstances, weighing all factors, including any temporal exigency or the nature of any potential harm to be averted.” *Id.*, at 3. The guidance also “prohibits the use of generalized assumptions or stereotypes about individuals or groups bearing these characteristics as a basis for law enforcement decision-making.” *Id.*, at 2.

Race and National Origin and Youth Arrests

U.S. DEP'T OF JUST. OFFICE OF JUV. JUST. & DELINQ. PREVENTION, STATISTICAL BRIEFING BOOK, RACIAL AND ETHNIC FAIRNESS (2020)

https://www.ojjdp.gov/ojstatbb/special_topics/qa11501.asp?qaDate=2020

In 2020, the rate of arrests for Black youth was approximately 2.3 times more than the rate for white youth. *See id.* The rate of arrests for Native American youth was approximately 1.7 times more than the rate for white youth. *See id.*

U.S. DEP'T OF EDUC. OFF. FOR C.R., REFERRALS TO LAW ENFORCEMENT AND SCHOOL-RELATED ARRESTS IN U.S. PUBLIC SCHOOLS 1 (2023)

<https://www2.ed.gov/about/offices/list/ocr/docs/referrals-and-arrests-part-5.pdf>

In the 2017-18 school year, Black youth represented approximately 15.1% of overall student enrollment, 28.7% of students referred to law enforcement, and 31.6% of students subjected to school-based arrest. *Id.* Native American/Alaska Native Youth represented approximately 1% overall of student enrollment, 1.7% of students referred to law enforcement, and 1.6% of students subjected to school-based arrest. *Id.* “Hispanic or Latino” students represented approximately 27.2% of overall student enrollment, 25.7% of student referred to law enforcement, and 26.4% of students subjected to school-based arrests. *Id.* White students represented approximately 47.3% of overall student enrollment, 37.8% of students referred to law enforcement, and 34.4% of students subjected to school-based arrest. *Id.* Asian students represented approximately 5.2% of overall student enrollment, 1.6% of students referred to law enforcement, and 1.2% of students subjected to school-based arrest. *Id.*

NAT'L CTR. FOR JUV. JUST., YOUTH AND THE JUVENILE JUSTICE SYSTEM 2022 NATIONAL REPORT 164 (2022)

<https://ojjdp.ojp.gov/library/publications/youth-and-juvenile-justice-system-2022-national-report>

Although national arrest data does not account for ethnicity, “there is considerable evidence of racial inequities at the point of arrest. Black youth accounted for 17% of the youth population in 2019 (ages 10–17), but accounted for 34% of juvenile arrests. For specific offenses, the level of overrepresentation for Black youth was more substantial: in 2019, Black youth accounted for 48% of juvenile arrests for violent crimes, nearly 3 times their proportion of the youth population. Comparing arrest rates (per 100,000 youth ages 10–17) reveals similar disparities. In 2019, the overall juvenile arrest rate for Black youth was 60% above the rate for American Indian youth, more than double the rate for White youth, and nine times the rate for Asian youth.” *Id.*

ANNIE E. CASEY FOUND., INCREASE SUCCESSFUL DIVERSION FOR YOUTH OF COLOR 3 (2022)

<https://assets.aecf.org/m/resourcedoc/aecf-increasesuccessfuldiversion-2022.pdf>

“Despite similar involvement in most types of delinquent conduct, youth of color are arrested at far higher rates than white youth, according to federal data and research studies. Black youth are arrested at 2.5 times the rate of white youth nationwide, with higher arrests rates in every offending category other than liquor-related offenses. Native American youth are also arrested at higher rates than white youth.”

Race and Law Enforcement Stops and Surveillance of Youth

U.S. DEP'T OF JUST., INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT 67 (2015)

https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf

Black and non-Black residents of Ferguson, Missouri told DOJ that Ferguson Police Department pedestrian stops almost always involved Black youth.

U.S. DEP'T OF JUST., INVESTIGATION OF THE BALTIMORE POLICE DEPARTMENT 63 (2016)

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

“Officers patrolling predominantly African-American neighborhoods routinely receive orders to ‘clear corners’ by stopping or arresting African-American youth standing on sidewalks In some cases, supervisors have issued explicitly discriminatory orders, such as directing a shift to arrest ‘all the black hoodies in a neighborhood.’” *Id.*

KRISTIN HENNING, THE RAGE OF INNOCENCE: HOW AMERICA CRIMINALIZES BLACK YOUTH XVII (2021)

“In many Black neighborhoods, police are parked on the corner, are stationed at the front door of the school, and drive through the community at all hours or day and night asking youth people to life their shirts to prove they aren't carrying guns in their waistbands.”

Law Enforcement Stops Based on Neighborhood

Illinois v. Wardlow, 528 U.S. 119, 124 (2000)

In *Wardlow*, the Supreme Court held that “the fact that the stop occurred in a ‘high crime area’ [is] among the relevant contextual considerations,” but observed that “[a]n individual’s presence in an area of expected criminal activity, standing alone, is not enough to support a reasonable, particularized suspicion that the person is committing a crime.” *Id.* at 124.

People v. Shabaz, 378 N.W.2d 451 (Mich. 1985)

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“While the crime rate in a neighborhood may be a valid consideration to be taken into account when assessing reasonable suspicion, that alone would not establish the grounds for an investigatory stop.”

State v. Goldsmith, 277 A.3d 1028, 1040 (N.J. 2022)

“[J]ust because crime is prevalent in a particular area does not mean that residents in those areas have lesser constitutional protection from random stops. Law-abiding citizens who live and work in high-crime areas undoubtedly want law enforcement to be able to fully execute their duties and protect their communities; at the same time, however, those individuals likely do not want the necessary policing of their neighborhoods to occur at the expense of their own constitutional rights of privacy and freedom.” *Goldsmith*, 277 A.3d at 1040. In *Goldsmith*, the court held the officer provided only “vague testimony” that “fell short of providing factual support for his conclusory statement that the area was high crime.” *Id.*

Donna M. Bishop & Michael J. Leiber, *Racial and Ethnic Differences in Delinquency and Justice System Responses*, in *THE OXFORD HANDBOOK OF JUVENILE CRIME AND JUVENILE JUSTICE* 444, 459-60 (Barry C. Feld & Donna M. Bishop eds., 2011).

“Numerous researchers have found that neighborhood characteristics structure the exercise of officers’ discretion in ways that make youth of color more vulnerable to stops and arrests.” One study found that “irrespective of neighborhood crime rates, in racially mixed and primarily African American neighborhoods, police were more likely to initiate contacts and with suspects and also to use or threat to use force.”

Unreasonable Use of Force and Threats by Law Enforcement Against Youth of Color

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 Minneapolis Police Department (MPD) discriminates against Black and Native American individuals, that MPD used force against Black youth at a rate 12 times the per capita rate for white youth, and that MPD used force against Native American youth at 14 times the per capita rate for white youth, including disparities in the use of bodily force and unholstering or pointing guns at Black and Native American youth. DOJ also noted such incidents as the use of racist statements and threats against Somali-American youth during a traffic stop, the use of force as retaliation against a teenager who criticized the police, and incidents in which MPD failed to hold officers accountable for serious misconduct directed against youth, including MPD’s failure in 2017 to hold Derek Chauvin accountable when he beat and pinned to a wall a compliant Black 14-year-old who posed no threat—three years before Chauvin killed George Floyd. *See id.* at 1, 6, 26, 45.

Perceptions of Black Youth as Older, More Mature, and More Deserving of Harsh Treatment

Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black*

Children, 106 J. PERSONALITY & SOC. PSYCH. 526 (2014).

In this 2014 research study, law enforcement officers who were shown photographs of White, Black, and Latino males suspected of criminal behavior overestimated the age of the Black youth by five years, and underestimated the age of White youth by one year. *See id.* at 533-35. Researchers also found that civilians participating in the study perceived the “innocence” of Black youth aged 10-13 to be equivalent to that of non-Black youth aged 14-17 and perceived the “innocence” of Black youth aged 14-17 to be equivalent to that of non-Black adults aged 18-21. *See id.* at 529-32. The researchers also found, in an aspect of the study involving police officers, that the implicit dehumanization of Blacks was a significant predictor of racial disparities in the use of force against Black child suspects. *See id.* at 539-40.

Aneeta Rattan et al., *Race and the Fragility of the Legal Distinction Between Juveniles and Adults*, 7 PLOS ONE, (May 23, 2012), at 1.

In this 2012 study, participants were more likely to support severe sentences when they believed a violent adolescent offender was Black, and willing to accept less punitive sentences when they believed the offender was White. *See id.* at 1.

REBECCA EPSTEIN ET AL., GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS’ CHILDHOOD, GEO. L. CTR. ON POVERTY & INEQ. (2017)

<https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>

In this study, participants viewed Black girls as older than their stated age, more knowledgeable about sex and other adult topics, more likely to take on adult roles and responsibilities than White girls of their age, and less in need of protection and nurturing than White girls. The authors also noted the potential implications of their findings for disparate treatment of Black girls in the juvenile justice system.

Impact of Biased Policing on the Lived Experiences of Youth of Color and their Communities

Commonwealth v. Warren, 58 N.E.3d 333 (Mass. 2016)

Warren involved a Black man who evaded contact with Boston Police Department (BPD) officers, including by running away when officers called to him to stop. *See id.* at 341-42. In agreeing with the defendant that the police lacked reasonable suspicion for an investigatory stop, the Court considered BPD data finding that Black men were “more likely to be targeted for police-civilian encounters” and “disproportionately targeted for repeat police encounters.” *Id.* at 342. Although flight from police is generally a factor in determining whether reasonable suspicion exists, the court said, given the BPD data, “flight is not necessarily probative of a suspect’s state of mind or consciousness of guilt. Rather, the finding that black males in Boston are disproportionately and repeatedly targeted for [field operations] encounters suggest a reason for flight totally unrelated to consciousness of guilt. Such an individual, when approached by the police, might just as easily be motivated by the desire to avoid the recurring indignity of being racially profiled as by the desire to hide criminal activity. Given this reality for black males in the city of Boston.” *Warren* held, courts should consider the BPD data in weighing flight from police as a factor in the reasonable suspicion analysis. *See id.*

Washington v. State, 287 A.3d 301, 324-25 (Md. 2022)³

In *Washington*, the court acknowledged the defendant’s claims of a history of “police discrimination, excessive force, and other misconduct” by the Baltimore Police Department, including the police killing of Freddie Gray, a U.S. Department of Justice (DOJ) civil rights investigation and subsequent settlement between the City and DOJ. *Id.* at 324. “[T]he circumstance that people, particularly young African American men, may flee police for innocent reasons may be considered in the Fourth Amendment reasonable suspicion calculus,” the Court stated, although it found Baltimore officers had reasonable suspicion to stop the defendant. *Id.* at 325.

U.S. DEP’T OF JUST., INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT 45 (2023) [hereinafter INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT]

<https://www.justice.gov/crt/case-document/file/1572951/download>

Black youth in Louisville, Kentucky told DOJ that interactions with police officers made them feel “intimidated,” “mad,” “scared,” “panic,” and “paranoia.” DOJ also noted research linking frequent and invasive police stops to adverse youth health effects, including trauma, anxiety, psychological distress, substance abuse, and an increased likelihood of the youth disengaging from school and engaging in delinquent behavior. *See id.*

U.S. DEP’T OF JUST., INVESTIGATION OF THE CHICAGO POLICE DEPARTMENT 143 (2017)

https://www.justice.gov/d9/chicago_findings_1-13-17.pdf

“One youth told [DOJ] that the nature of the police presence in his neighborhood makes him feel like he is in ‘an open-air prison.’” In addition, Black youth told DOJ that they are “routinely called ‘nigger,’ ‘animal,’ or ‘pieces of shit’ by CPD officers. A 19-year-old black male reported that CPD officers called him a ‘monkey.’ Such statements were confirmed by CPD officers.” *Id.* at 146.

Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104 AM. J. PUB. HEALTH 2321, 2321-27 (2014)

In this research survey, young Black men described trauma and anxiety as a result of physically and emotionally invasive police encounters.

Juan Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 7 PROCS. NAT’L ACAD. SCIS. U.S. AM. 116, 8261-68 (2019)

In this research survey, youth who experienced more frequent police stops described greater psychological distress.

Rod K. Brunson & Kashea Pegram, *Kids Do Not So Much Make Trouble, They Are Trouble: Police-Youth Relations*, 28 FUTURE CHILD. 83, 91 (2018).

In a survey of more than 1,000 New York City youths, “Black and Latino males were more likely than their white and Asian peers to report adverse police experiences. Black and Latino males were also more likely to report verbal and physical mistreatment by officers.” *Id.* “Perceptions of intense police harassment in neighborhoods besieged by officers have been shown to deter young men of color from fully participating in public life. Several studies have examined how police saturation of minority

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neighborhoods restricts the use of public spaces among young black and Latino males.” *Id.* at 92.

HENNING, *supra*, at 204-35

In this chapter, the author describes how Black youth experience “policing as trauma.” The author described research in which “[y]oung black men who experience physically and emotionally invasive police encounters report considerable signs of trauma and anxiety. Those signs increase with the frequency of the police contact, the intrusiveness of the contact, and the young men’s perception that the contact was unfair.” *Id.*, at 214. *See also id.*, at 166. “Black youth who are stopped will cycle through a range of emotions from resentment at being unfairly targeted, fear of getting hurt or killed, anxiety about getting in trouble, embarrassment at being harassed in front of friends, confusion about what the officer wants them to do, stress about whether they might have done something wrong, and exhaustion at the repetition and futility of it all. Just as these youth have a hard time understanding all they are feeling and why, they have an even harder time finding the words to express it.”

How the Reality or Perception of Police Bias Undermines the Relationship Between Law Enforcement and the Public

INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT, *supra*, at 42-47

DOJ found that the Police Department “has failed to sufficiently address known racial disparities, missing race data, and allegations of bias, damaging community trust.”

INVESTIGATION OF THE LOUISVILLE METRO GOVERNMENT, *supra*, at 51-53

DOJ described discriminatory policing practices in Louisville as “counterproductive” and undermining of public safety.

Racial Disproportionality in the Juvenile Justice System

Racial and Ethnic Disparities provision of the Juvenile Justice and Delinquency Prevention Act, 34 U.S.C. § 11133(a)(15).

This statute requires that states implement strategies to “identify and reduce racial and ethnic disparities” among system-involved youth, including by tracking and analyzing data and track data from five juvenile justice system “decision points,” (arrest, diversion, pretrial detention, disposition, and transfer to the adult justice system), and developing a “work plan” with “measurable objectives” for policy, practice or other system changes. *See id.*

U.S. DEP’T OF JUST. OFFICE OF JUV. JUST. & DELINQ. RACIAL AND ETHNIC DISPARITY IN JUVENILE JUSTICE PROCESSING LITERATURE REVIEW: A PRODUCT OF THE MODEL PROGRAMS GUIDE (2022)

<https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity>

“Data have shown that youths of color are more likely than white youths to be arrested and subsequently go deeper into the juvenile justice system Most scholars acknowledge there are numerous factors at work and that this complex social problem cannot be reduced to either differential offending or differential treatment alone. . . . Although some progress has been made and overall involvement in the juvenile justice system has been decreasing nationally,

disparities continue to exist today, especially for Black and American Indian/Alaska Native youths.” *Id.*

NAT’L CTR. FOR JUV. JUST., *supra*, at 163.

“Youth from racial and ethnic minority groups experience the juvenile justice system differently than their White peers. For example, youth from racial and ethnic minority groups are (and have been) more likely to be arrested, detained, and ordered to residential placement than White youth, and are more likely to be tried as adults in criminal court. Such racial and ethnic disparities often leads to the overrepresentation of racial and ethnic minority youth—particularly Black youth—at various stages of the juvenile justice system.” *Id.*

LORIE FRIDELL ET AL., RACIALLY BIASED POLICING: A PRINCIPLED RESPONSE, POLICE EXECUTIVE RESEARCH FORUM 1 (2001).

“Police are now looking to the public for partnerships and collaborative problem-solving solutions to community ills. If substantial segments of the community are the victims of police bias, or even perceive that they are, the likelihood of success is dim. We all know that racial profiling is unacceptable and is at variance with the standards and values inherent in ensuring fair and dignified police response to all.” *Id.* at 1.

Brunson & Pegram, *supra*, at 89.

“Much of the research on minority youths’ adverse police experiences has focused on black youths. Though this research has yielded important findings, it hasn’t given us enough information about how other young people of color experience and view officers. This issue warrants careful investigation, because scholars have noted that the attitudes of Latino youth toward police fall somewhere between those of their white and black counterparts.” *Id.*

NATIONAL ORIGIN DISCRIMINATION U.S. DEP’T OF JUST. C.R. DIV., FEDERAL PROTECTIONS AGAINST NATIONAL ORIGIN DISCRIMINATION

<https://www.justice.gov/crt/federal-protections-against-national-origin-discrimination-1#:~:text=Federal%20laws%20prohibit%20discrimination%20based,%2C%20ancestry%2C%20culture%20or%20language>

This brochure outlines federal protections against discrimination based on national origin.

U.S. DEP’T OF JUST. CMTY. RELS. SERV., NATIONAL ORIGIN

<https://www.justice.gov/crs/our-focus/national-origin>

“National origin-based bias is discrimination based on a person’s actual or perceived country or region of origin, ethnicity, or accent.” This website also describes the work of the DOJ Community Relations Service to “support communities experiencing national origin conflicts.”

Overlap Between Race, National Origin, and Immigration Status

Brunson & Pegram, *supra*, at 90

In a study of Afro-Caribbean youths’ experiences with New York City Police Department officers, youth believed that the “racial animus” they received from officers “stemmed from officers’ unfounded suspicions about their immigration status.” *Id.* The study’s authors wrote that “the police have a difficult time distinguishing between citizens from Puerto Rico and possible undocumented immigrants from the Dominican Republic,” making it likely that Latino youth from many backgrounds would be viewed with suspicion. *Id.*

Law Enforcement and Undocumented Immigrant Communities

ANNIE E. CASEY FOUND., A GUIDE TO JUVENILE DETENTION REFORM NONCITIZEN YOUTH IN THE JUVENILE JUSTICE SYSTEM (2014)

<https://assets.aecf.org/m/resourcedoc/aecf-NoncitizenYouthIntheJJSsystem-2014.pdf>

This practice guide is “intended to alert the reader to detention and juvenile court practices and policies that may unfairly prejudice noncitizen youth and to provide a basic introduction to key immigration concepts and processes as they apply to youth involved in the juvenile justice system. *See id.* at 2. The guide’s “purpose is to assist in the development of informed policies and procedures.” *Id.* at 3. “The guide promotes policies and procedures that are consistent with detention and equity reform, and that: minimize unnecessary detention or separation of noncitizen youth from their families and communities; ensure that detention practices do not unfairly prejudice noncitizen youth; promote responses aimed at rehabilitation and reintegration; minimize the unnecessary and often devastating immigration consequences for noncitizen youth of their involvement in the juvenile justice system; and preserve the ability of noncitizen youth to pursue immigration relief to which they may be entitled under federal law.” *Id.* at 3; *see id.* at 21 (describing the federal law regarding local immigration enforcement, “the programs and mechanisms by which local law enforcement and juvenile justice systems participate in immigration enforcement,” and the “practical and policy implications of local immigration enforcement”)

NAT’L COLLABORATION FOR YOUTH & NAT’L JUV. JUST. NETWORK, UNDOCUMENTED IMMIGRANT YOUTH: GUIDE FOR ADVOCATES AND SERVICE PROVIDERS (2006)

https://www.njnn.org/uploads/digital-library/resource_451.pdf

“Involving local agencies in federal immigration enforcement is not in the best interest of either the youth or local law enforcement. Youth suffer when they are referred to DHS to be “screened” for qualification of legal status. The DHS focuses on enforcement of immigration law, not on investigating relief for youth At the same time, local law enforcement suffers because referring a child to immigration agencies undermines community policing efforts, which rely on trust between the community and police. Immigrant children would have legitimate reason to fear providing information to the police about crimes committed against them or that they have witnessed. Actively encouraging local police to look out for undocumented immigrants might also lead to a high level of racial profiling and other civil rights violations.” *Id.* at 10-11. This policy brief also refutes the “myth” that racial, ethnic and immigrant youth are “predisposed to be in gangs” by asserting that these youth “have no special disposition to gang membership, but rather, they simply are overrepresented in socio-economic categories that often lead to gang activity. Gang membership is most closely associated with youth who come from poor communities that suffer from lack of employment and education opportunities and family disintegration. Children of immigrants, who are generally poorer than children of U.S. citizens, tend to reside in these communities. Socio-economic characteristics are the main reasons leading to the large representation of immigrant youth and youth of color in gangs, not racial/ethnic or nationality characteristics.” *Id.*, at 12. ■