**Public Comment on**

***Interactions with Youth and Children* (Gen. Order G02-05)**

The Chicago Police Department’s (CPD) policy, *Interactions with Youth and Children* (Gen. Order G02-05), does not protect young people from harmful and unnecessary interactions with police and the criminal legal system. Stating broad commitments or principles without implementing them in concrete policy directives is unacceptable lip service. The policy must prevent harm to youth by giving officers specific guidance and setting clear constraints on officer conduct.

Moreover, this policy was developed without meaningful input from impacted communities. The current version of the policy has nearly all the same serious flaws as the prior version. CPD has failed to address the concerns that community members raised when this policy was previously up for public comment. CPD should start over with developing this policy by engaging with directly impacted communities—particularly impacted youth of color—and by following communities’ recommendations and explaining any policy decisions.

At a minimum, the policy must be overhauled based on the following points:

**General Recommendations**

* The policy should require that officers only take actions that are the least intrusive, least restrictive, and least harmful to youth, while ensuring public safety. This requirement should govern all officer interactions with youth, including the decision to stop, frisk, detain, charge, divert, interview, search, handcuff, and arrest.
* The policy must define “developmentally appropriate manner” and give officers specific guidance on how to engage with youth in a developmentally appropriate manner, as required by the Consent Decree. The policy must also clarify other vague terms, such as “rights,” “sensitive approach,” and “force mitigation.” (Sec. V.)
* The policy should require that officers use developmentally-appropriate and trauma-informed de-escalation techniques and communication skills with allyouth in *all circumstances*. This includes, but is not limited to, using a calm, respectful demeanor and not using language or tone that is aggressive or threatening. Officers should calmly explain to the youth in easily understandable language *why* the officer is taking any law enforcement action.
* CPD should simplify the steps for providing community resource referrals to youth and families and remove police officers from the referral process as much as possible. In conjunction with 311 resources, CPD should overhaul the current “Youth Investigations Community Outreach Directory,” which is woefully incomplete.
* CPD should streamline the terminology that the policy uses to refer to youths. CPD should eliminate the multiple, overlapping terms, which are used in inconsistent and confusing ways, making the policy difficult to understand.

**Diversion**

* The policy does not go far enough to keep youth out of the criminal legal system. The *default* for all youth should be diversion away from the criminal legal system.
* CPD should develop a comprehensive framework for diverting youth from the criminal-legal system, with specific constraints on officers’ decision-making. Officers should be clearly instructed as to when alleged criminal behavior by youth may be subject to arrest. This framework should be developed in consultation with community organizations, subject-matter experts, and directly impacted youth who have relevant lived experience, including Black and Brown youth, LGBTQ youth, youth with disabilities (including youth with IEPs or 504 plans), immigrant youth, and youth with limited English proficiency.
* Encouraging discretion is not enough. CPD should adopt a standard that makes arresting youth a last resort option for extraordinary circumstances: police should only arrest youth if no other effective alternative exists for ensuring public safety. CPD should prohibit officers from arresting youth unless doing so is absolutely necessary to address the harm that has been caused or to resolve an immediate safety threat.
* Officers should be prohibited from arresting youth solely because they have committed a “status offense”—such as violating curfew, skipping school, running away, or drinking underage. In these circumstances, officers should be required to return the youth to their residence or parent/guardian and may consider issuing a warning or referral to community resources.
* Among the alternatives to arrest, citations should not be listed as an equal option to informal counseling, warnings, and referrals to community services. (Sec. IX.E.) The policy should specifically state that citations, charges, and fines against youth should be avoided. Officers must be instructed that it is their duty to protect youth from criminal legal system involvement whenever possible.

**Handcuffing of Youth**

* The policy should prohibit officers from handcuffing youth unless the officer has previously tried all available de-escalation techniques to prevent the need for handcuffs (*e.g.*, using verbal techniques, time, and distance to allow the youth to calm down).
* There should be an age cutoff below which an officer cannot put a child in handcuffs. For youth above that age cutoff, officers should be prohibited from using handcuffs unless the youth poses an immediate threat of physical harm to themselves or another person, or the officer has reasonable articulable suspicion that the young person may attempt escape and less intrusive means are unavailable or would be ineffective.

**Interviewing of Youth**

* The policy must make clear that an officer must *always* get affirmative, voluntary consent from the youth or their parent/guardian before the officer can proceed with an interview. Officers also must always inform the youth that they have the right not to speak to the officer.
* The policy does not do enough to ensure that a parent or guardian is present when a youth is interviewed by police. The policy should require that, before an officer interviews a youth—regardless of whether the youth is a witness, victim, or allegedly committed a crime—the officer must contact the youth’s parent/guardian and may not begin the interview until the parent/guardian is present. The only exception should be if the officer’s questions are necessary to address an imminent need to render aid or protect the youth’s safety or public safety, or if the only known parent/guardian is the accused (in which case the youth should be informed that they may have another supportive adult of their choosing present).
* The policy fails to follow the state law that governs what police must do to ensure a parent or guardian is present during any police questioning of a student on school grounds when the student is suspected of a crime. 105 ILCS 5/22-88.
* A school principal is not an appropriate substitute for the youth’s parent/guardian for the purpose of protecting the child’s rights and reducing the coercive nature of the interview.
* The policy should prohibit officers from entering schools for the purpose of routine, preliminary, follow-up, or any non-urgent investigation. Police presence in schools is disruptive and stigmatizing; it should be avoided to the fullest extent possible.
* If exigent circumstances necessitate interviewing a youth at school, officers should review any IEP or 504 plan prior to conducting the interview and should consider any disability-related needs in determining whether or how to interact with the youth.

**Searches of Youth**

* The policy must specifically address searches of youth, which are often a particularly degrading, humiliating, and confusing experience for young people.
* ***Consent Searches*** *–* There should be an age cutoff below which an officer cannot conduct consent searches. For youth above that age, officers should be required to obtain approval from a supervisor, fully explain the youth’s right to refuse consent using developmentally-appropriate language, and inform the youth that they may call a parent, guardian, or supportive adult for guidance before giving consent.
* ***Strip Searches*** *–* Officers should be prohibited from conducting strip searches on youth except in the extenuating circumstance where the officer has probable cause to believe that the youth is concealing a deadly weapon and is a threat to themselves or others, and the officer has obtained approval from a supervisor.

**Youth in Crisis**

* The policy must make clear that, when a youth is in a mental health crisis, the officer’s primary role and responsibility is to ensure that the youth immediately receives the appropriate mental health treatment, while ensuring public safety. The officer’s role should be secondary to any mental health professionals on-scene.
* The policy should require officers to immediately contact SASS (Screening, Assessment, and Support Services through the Illinois Department of Healthcare and Family Services) in any incident involving a youth in crisis in which mental health providers are not already present.
* The policy should emphasize the critical importance of diversion from the criminal legal system for youth in crisis and give clear directives to implement diversion as the priority. The policy should specifically prohibit officers from arresting youth in crisis, except in the extenuating circumstances listed under “Diversion” above. Particularly for youth in crisis, arrest must be used only as a last resort.
* The policy should incorporate the Crisis Intervention Team (CIT) policy suite (*Recognizing and Responding to Individuals in Crisis* (S04-20) and related policies), which itself should be revised based on the comments previously submitted by the Coalition.
* If the officer responding to a youth in crisis is not a designated CIT officer, the responding officer should *always* request a designated CIT officer to the scene.
* The cues that the policy lists as indicators for when a youth may be “in need of mental health treatment” (Sec. X.A.) are inaccurate because they primarily describe *adult* mental health crisis. The list of cues must be further revised, in consultation with directly impacted youth and mental health professionals, to specifically reflect youth mental health considerations and youth developmental disabilities.
  + In addition, the list of cues does not include key symptoms of trauma and PTSD, which are the very conditions that many youth of color in Chicago have who are likely to interact with the Chicago police and that place them at greater risk of harm during police encounters. Officers need to understand the signs of youth trauma, such as being easily startled or frightened and being on guard for danger. Otherwise, officers can misread mental health symptoms as aggression, leading officers to improperly escalate and use violence, with grievous consequences that further traumatize youth in crisis.
  + The policy’s statement on how to recognize when an individual is in crisis is confusing and could be misinterpreted. (Sec. X.A.) The language incorrectly suggests that “temporary emotional crises” and substance abuse symptoms do not qualify as an individual in crisis. For clarity and consistent application of the full scope of the definition of an “individual in crisis,” the policy should instead include the following language: *one or more of the following cues can be indicative of a need for mental health, substance abuse, or intellectual/developmental disability services and not non-compliance*.

**Youth Who Have Run Away from Home**

* When interacting with youth who have run away from home, the policy requires officers to “determine the cause” of the youth’s “reasoning for leaving home and develop a possible solution.” (Sec. XI.B.) The policy gives officers no guidance on *how* to do this. Nor does the policy provide any non-police resources (such as social workers or other mental health professionals) to assist with the tasks of identifying why a youth ran away from home and developing potential solutions.

**Transparency and Accountability**

* The policy needs to make clear that any violation of this policy will result in discipline, up to and including termination.
* The policy does not contain any supervision, transparency, or accountability provisions to ensure that officers are complying with the policy’s requirements. CPD must require officers to record information about their interactions with youth so that officers’ actions can be reviewed by supervisors, the Civilian Office of Police Accountability, and members of the public to ensure compliance with this policy.
* Arrest reports and any other documentation related to officer interaction with youth must be systematically reviewed by officers’ supervisors. If a supervisor identifies any violation of law or policy, the supervisor must refer the officer for a misconduct investigation by the Civilian Office of Police Accountability.
* CPD must collect and publish data about police interactions with youth, including the rate of stops, searches, citations, arrests, and uses of force, with demographic breakdowns by age, race, ethnicity, disability, LGBTQ identity, and other protected categories.

**Training**

* Directly impacted youth, mental health professionals, and other subject-matter experts must be involved in developing the training on this policy and in *teaching* the training.
* In particular, Black and Brown youth with relevant lived experience must be central participants in officer trainings, so that officers are learning from and interacting with the youth that are most heavily policed in Chicago. This will disrupt officer stereotypes about youth, build trust between youth and officers, and break the “us v. them” mentality that many officers have.
* The training on youth interactions must provide detailed instruction on topics including but not limited to: developmentally appropriate communication techniques, trauma-informed communication techniques, adolescent brain development, adolescent behavioral health, interacting with youth with disabilities, and understanding the role of a youth’s IEP or 504 plan. Officers who have not yet obtained this training should be prohibited from interviewing youth.