

March 17, 2016

The following recommendations are offered to the Cleveland Community Police Commission in their development of new use of force policies by the Cleveland Division of Police, and in particular how children and youth may be impacted by such policies and practices.

Discretion for best possible outcome. Police officers necessarily exercise discretion in handling everyday problems they may encounter on patrol. Building a rapport with a child or youth (defined as under 18 years of age) is one of the most effective ways to ensure safety as well as to promote crime prevention. Understanding the tremendous amount of discretion available in determining how to respond to a situation involving a child/youth is critical to productive police-youth encounters overall and specifically, to minimizing the unnecessary, ineffective and/or harmful use of restraints and use of physical force practices.

Context counts. According to the National Institute of Justice (NIJ) guidance on police use of force, “situational awareness is essential” and “time becomes a key variable in determining when an officer chooses to use force.” (<http://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx>) Policy guidance should direct officers to be aware of the environment and/or circumstances, as well as items in the environment, that may indicate the presence of a child/youth and thus warrant more caution and limited use of force tactics. For instance, places where child/youth congregate, such as playgrounds, schools, daycare centers, recreation centers, etc., should alert officers to the possibility of children/youth being present. In addition, noting the presence of items, such as toys, diapers, children’s bikes, etc., when approaching a home or vehicle, should alert officers to the possibility of a child/youth being present.

Minimum Force Necessary. NIJ notes “law enforcement officers should use only the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm.” In instances involving children/youth, officers should anticipate behavioral responses that reflect fear and traumatized responses to police and may include: physical resistance; fleeing; verbal challenges; and disregard for police directives. Officers should provide distance, and spend the time necessary to establish rapport with youth as an alternative to using physical force whenever it is safe to do so. Female officers, where possible, should be used to conduct searches of female youth suspects. Consideration of the nature and seriousness of the offense or complaint should inform the officer’s decision as to whether and how to pursue a fleeing youth suspect and employ physical force tactics.

Developmentally-informed Practices. When confronted with these responses, officers should employ tactics designed to de-escalate the encounter and reduce traumatic responses; for youth these include developmentally appropriate and trauma-informed strategies and tactics, including crisis intervention. Officers should receive training on child and adolescent development and effective communication and other de-escalation strategies.

SCHUBERT CENTER FOR CHILD STUDIES in the College of Arts and Sciences at Case Western Reserve University bridges research, practice, policy and education for the well-being of children and adolescents.

A use-of-force continuum should be adopted that includes developmentally-informed de-escalation strategies. So, for example, NIJ offers the following example of a continuum:

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

1. Officer presence – No force. Considered the best way to resolve a situation.
2. Verbalization – Force not physical.
3. Empty-Hand Control – Officers use bodily force to gain control of a situation.
4. Less Lethal Methods – Officers use less lethal technologies (blunt impact, chemical, Taser) to gain control of a situation.
5. Lethal Force - Officers use lethal weapons to gain control of a situation. Should only be used if a suspect poses a serious threat to the officer or another individual.

A developmental-informed use-of-force policy incorporates specific de-escalation strategies with an understanding of child and adolescent development. In addition, if there is a crisis situation (mental health, substance use, developmental disability or other overwhelming personal crisis) involving a child/youth, the use of force policy should align with the crisis intervention policies. A developmentally-informed use-of-force continuum may include the following guidance:

1. Officer Presence:
 - a. The mere physical presence of an officer can be intimidating and threatening to children/youth. Every effort should be made to approach a child/youth in a non-confrontational manner to attempt to diffuse tension and anxiety while maintaining safety. This includes use of police vehicles, sirens and loud speakers; minimize commotion and stimulation in the environment if possible in confronting a child/youth or group of youth.
 - b. Where possible, every effort should be made to create distance/separate a child/youth from a group of peers to question and investigate a situation. Ask the youth to move to a more quiet, calm space to allow better communication. Avoid quick movements and physical contact, if possible, to maintain safe distance in assessing the situation.
 - c. Where the parent or guardian is the subject of an investigatory stop or arrest and children/youth is present, one officer should make every effort to attend to the children/youth, explain what is happening in age-appropriate language and identify another adult or caretaker who can assist the child if the parent is detained.
2. Verbalization:
 - a. Children/youth often respond to tone and voice level more immediately than verbal directives; thus a calm and measured tone should generally be employed to gain compliance.
 - b. Use simple, concrete language and short direct phrases. If possible, use affirmative rather than negative commands (i.e. “raise your hands” versus “don’t put your hands down”).
 - c. Use repetition in a clear voice to reinforce instructions. Repeat back what children/youth express to demonstrate understanding.
 - d. Do not use threats and intimidation, [or other gestures or behaviors that may be seen as aggressive], to gain compliance.
 - e. Allow ample time for children/youth to comply, including consideration of the environment and competing stimulus, prior to resorting to physical use of force.
3. Empty Hand Control
 - a. Physical force of any kind should be proportional to the circumstances and consistent with the size and apparent mental condition of the youth.

- b. Physical attributes of the officer relative to the child/youth, should also inform the degree of force necessary to stabilize a situation.
 - c. Grabs, holds and other forms of bodily restraint should be tempered by the size and age of the children/youth as children are still growing physically and may be more susceptible to injury.
 - d. Punches, kicks and other physically aggressive forms of bodily force should not be used on a child/youth unless absolutely necessary to stabilize the situation and gain compliance, and should never be used if children/youth are in restraints.
 - e. If injury occurs, immediate steps should be taken to provide medical assistance.
4. Less-Lethal
- a. Blunt impact instruments of control should be avoided with child/youth unless absolutely necessary to stabilize the situation and gain compliance.
 - b. Chemical sprays should not be used on children/youth unless absolutely necessary to stabilize the situation and gain compliance or to reduce risk of injury to the themselves or others, and other less intrusive means have been employed.
 - c. Chemical spray should never be used on children/youth in restraints.
 - d. Electronic control weapons and tasers present an increased risk for injury and should not be used on children/youth.
 - e. If injury occurs, immediate steps should be taken to provide medical assistance.
5. Lethal
- a. Context and circumstances are critical for considering whether lethal force is necessary. See notes on the environment and surroundings discussed above.
 - b. If injury occurs, immediate steps should be taken to provide medical assistance.

Thank you for your consideration of these suggestions.

Sincerely,



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