



April 24, 2023

Tina Skahill
Executive Director
Office of Constitutional Policing and Reform
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

Re: Chicago Police Department Interactions with Youth and Children (G02-05)

Dear Executive Director Skahill,

COPA is reaching out to you to provide feedback on the CPD policy regarding interactions with youth and children (G02-05) draft dated March 24, 2023. COPA supports CPD's aim to ensure youth and children are afforded the same constitutional protections as adults, provided other protective measures as necessary, and diverted away from the justice system through alternatives to arrest. Still, COPA believes there are aspects of the policy that can be clarified and expanded based on its reading of the current policy and its understanding of complaint allegations, best practices and research. COPA suggests the following:

1. **Revise Section I and II of the directive outlining the purpose of the policy.** CPD should reorganize Section I to better emphasize at the start that the purpose of the directive is to provide guidance to members regarding how *all* officers should interact with youth and children¹ in *any* context. In Section I, CPD should also clearly explain that this directive serves as a reference to policies that provide guidance on interacting with youth in specific contexts. Consider listing out and linking to what those directives are (e.g. youth as victims or witnesses, youth in crisis or in school, youth with alleged offenses, and when youth are reported missing). In general, this may require moving Section I – paragraph C, to be the first paragraph “A” and moving current paragraphs A and B to Section II as CPD commitments in interactions with youth. Suggested wording for the revised Section I, paragraph A is as follows, “provides general guidance to all officers on interacting with youth in a developmentally appropriate manner;” A revised Section I, paragraph B could then state, “references special orders that provide guidance to officers on interacting with youth in specific contexts.
2. **Modify the definitions included in Section III that categorize youth into different age groups.**
 - a. CPD should consider why it includes definitions for individuals ages 18 or older when the directive does not address policies for those who are considered adults. For example, CPD should clarify why the term “emerging adult” is included as this refers to individuals who are considered adults (age 18 to 24) and the term is not referenced elsewhere in the policy. The policy could address this in three ways 1) remove the terms and

¹ For the purposes of this feedback, youth and children will be collectively referred to as youth.

definitions not referenced in the policy, 2) consider adding a section that specifically addresses each of the listed groups, or 3) preface the definitions with a rationale for outlining them the way they are.

- b. CPD should revise the terms where the definitions overlap in age, such as child (under the age of 18) and youth (age 13 to 24), so that they do not overlap or acknowledge why there is overlap (i.e., in what contexts each definition applies).
 - c. CPD uses inconsistent terms and definitions across some of its policies for youth and children. For example, the directive on missing/found persons (S04-05) uses the term “tender-age child,” referring to children under the age of 10 years old.² CPD should review all directives referring to youth and children, reference them in this policy, and consistently use the same terminology and definitions across all directives.
3. **CPD should develop a general policy and required training for members that covers interactions with vulnerable populations and include a section on interactions with youth.**

Currently, there is an opportunity to organize several policies and trainings under an umbrella of “interactions with vulnerable populations” and address how typical procedures should be modified accordingly. CPD should incorporate the following components in such policies and trainings as they related to youth:

- a. **Address the limitations of youth cognitive understanding and ensure members are trained accordingly to understand** adolescent brain development and how youth interactions may differ from adults. Research indicates that the brain continues to develop during adolescence until age 25. Until the brain is fully mature, it relies on the emotional centers of the brain to make decisions, affecting judgment and impulse control and leading to risk-seeking behaviors and poor decision-making.³
 - i. CPD should also consider officer procedures when conversing with youth. The Office of Juvenile Justice and Delinquency Prevention finds that law enforcement is often not adequately trained to speak with or interview youth. The training should explain why youth exhibit mannerisms that differ from adults and may appear to suggest immaturity or hostility (e.g. inappropriate laughter, avoiding eye contact, or slouching).⁴ For example, the CPD supplemental juvenile processing training currently incorporates some of these points (e.g. youth susceptibility to immediate rewards and failure to anticipate consequences). These elements of the supplemental training should be included in the general training on youth interactions. For example, youth are less likely

² S04-05(III)(B)(1), Missing/Found Persons (effective August, 26, 2020 to present).

³ Coalition for Juvenile Justice, Emerging Concepts Brief: What are the Implications of Adolescent Brain Development for Juvenile Justice?, 2006, accessed April 5, 2023.

https://www.juvjustice.org/sites/default/files/resource-files/resource_134.pdf

⁴ Office of Juvenile Justice and Delinquency Prevention, Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation, September 2012, accessed April 10, 2023. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/reducing-risks-executives-guide-effective-juvenile-interview-and> ; Justice Clearinghouse, Recording: Interview Techniques, Neurodevelopment, and the Twin Specters of False Allegation and False Confession, December 3, 2021, accessed April 20, 2023. <https://www.justiceclearinghouse.com/module-1/recording-interview-techniques-neurodevelopment-and-the-twin-specters-of-false-allegation-and-false-confession/>

to have prior interactions with police and youth often have shorter attention spans, in comparison to adults.⁵

- b. **Address how members are to interact with youth at various ages to better respond to their unique needs.** The directive defines youth according to different age categories (e.g. child, youth, and emerging adult). Each definition refers to a specific age group and therefore the training should consider how officer interactions will vary when interacting with youth at different ages.⁶
 - c. **Implicit bias training on officer-youth interactions.** Ensure the training that officers receive on implicit bias includes a section that specifically addresses bias against youth. Police-youth interactions are one of the most common occurrences and these interactions are important because negative officer-youth encounters can have harmful, long-term consequences for youth (i.e. subsequent delinquency or police illegitimacy).⁷ CPD should refer to the Office of Juvenile Justice and Delinquency Prevention resources to develop officer training on recognizing and preventing implicit bias when interacting with youth.⁸ Additionally, CPD should incorporate external, practitioner training to educate officers on topics of racial inequality, stereotypes, colorblindness, microaggressions, LGBTQ youth, and inclusive language/terminology.⁹
4. **Children may experience violence vicariously or indirectly, and so CPD policy and training as it relates to youth as victims should address the possibility that youth can be exposed to violence in these ways.** For example, Section VI specifically addresses member interactions with youth as victims and references the directive on abused, neglected, dependent, or abandoned children coming under Department control (S06-04-05). This framing of youth as victims can be expanded to address challenges that come with broader forms of exposure to violence. The National Institute of Justice highlights the importance of properly assisting youth who have been exposed to violence. If youth are not identified and supported, they become at greater risk for a variety of negative consequences, such as mental health and substance use disorders, repeat

⁵ Justice Clearinghouse, Recording: Interview Techniques, Neurodevelopment, and the Twin Specters of False Allegation and False Confession, December 3, 2021, accessed April 20, 2023. <https://www.justiceclearinghouse.com/module-1/recording-interview-techniques-neurodevelopment-and-the-twin-specters-of-false-allegation-and-false-confession/>

⁶ Karen J. Gilmore and Pamela Meersand, *Normal Child and Adolescent Development: A Psychodynamic Primer*, American Psychiatric Pub, 2013, accessed April 18, 2023.

⁷ Office of Juvenile Justice and Delinquency Prevention, Interactions Between Youth and Law Enforcement, January 2018, accessed April 20, 2023. https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/interactions_between_youth_and_law_enforcement.pdf; Stephanie Wiley and Finn-Aage Esbensen, "The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?" *Crime & Delinquency* 62, no. 3 (2016): pgs. 283-307. <https://doi.org/10.1177/001128713492496>

⁸ Office of Juvenile Justice and Delinquency Prevention, Recognizing and Combating Implicit Bias in the Juvenile Justice System Webinar, April 12, 2022, accessed April 14, 2023. <https://ojjdp.ojp.gov/media/video/31106>

⁹ Rita Cameron Wedding, "Implicit Bias: More than Just a Few Bad Apples," Juvenile Justice Information Exchange, June 15, 2016, accessed April 17, 2023. <https://jjiie.org/2016/06/15/implicit-bias-more-than-just-a-few-bad-apples/>; Rita Cameron Wedding, "Implicit Bias Training," accessed April 14, 2023. <https://www.drcameronwedding.com/implicit-bias>

victimization, involvement in the justice system, and failure in school.¹⁰ The Office of Juvenile Justice and Delinquency Prevention developed a toolkit for law enforcement to provide trauma-informed, age-appropriate responses to youths exposed to violence. The toolkit includes guidelines on officer training to recognize traumatic stress symptoms, proper techniques on interacting with youths exposed to trauma, and information on community resources that can specifically address the needs of youths.¹¹ Educate members using these types of toolkits and inform them about resources available to youth victims at the Chicago Children’s Advocacy Center, such as trauma-informed forensic interviewing and mental health services.¹²

5. **Further clarify what is involved in “reasonable efforts” when mentioned in Section VIII.** Specifically, when ensuring members are trained in safe interactions and communications with youth and in locating a parent or legal guardian. Additionally, clarify what is a “reasonable amount of time” for a school principle (or designee) to be allowed to notify the parent or legal guardian of a student prior to an interview.
6. **Offer and require NASRO certification or accreditation for all Chicago Public Schools (CPS) School Resource Officers (SROs),** as referenced in the policy on school resource officers (S04-01-02).¹³ In-house training, without independent audit, may or may not be determined to have the same standards and emphases as NASRO training.¹⁴
7. **Section IX explicitly addresses member interactions with youth alleged offenses and references the directive on the processing of juveniles and minors under department control (S06-04) and the Juvenile Intervention Support Center (S06-04-06).**
 - a. **The reference to youth in this section as “youth and child offenders” should be replaced with language that presumes innocence** and does not imply guilt (e.g., youth and children with alleged offenses)
 - b. **Require representation for youth during an interview or interrogation if the parent or legal guardian is unavailable.** The directive indicates that “reasonable efforts” will be made to locate the parent or legal guardian when interviewing youth, but it does not detail what occurs if one cannot be located. Similar to the requirement for a school principal or designee to be present when a student is interviewed by an officer at school, youth outside of school should also have representation, such as a social worker

¹⁰ National Institute of Justice, Children Exposed to Violence, September 21, 2016, accessed April 14, 2023.

<https://nij.ojp.gov/topics/articles/children-exposed-violence#:~:text=Children%20exposed%20to%20violence%20are,in%20criminal%20behavior%20as%20adults>.

¹¹ Steven Marans and Hilary Hahn, Enhancing Police Responses to Children Exposed to Violence: A Toolkit for Law Enforcement. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, US Department of Justice, February 2017, accessed April 14, 2023. <https://www.ojp.gov/library/publications/enhancing-police-responses-children-exposed-violence-toolkit-law-enforcement>

¹² S04-03-02, Chicago Children’s Advocacy Center (effective June 13, 2022 to present).

¹³ S04-01-02, School Resource Officers and Investigations at Chicago Public Schools (effective June 30, 2022 to present).

¹⁴ The National Association of School Resource Officers (NASRO) indicates that complete SRO training requirements include the Basic SRO Course of 40 hours and the Advanced SRO Course of 24 hours. Upon review, CPD’s SRO training does not meet NASRO’s standard of quality in its included trainings; National Association of School Resource Officers, Training Courses, accessed April 18, 2023. <https://www.nasro.org/training/training-courses/>; S04-01-02, School Resource Officers and Investigations at Chicago Public Schools (effective June 30, 2022 to present).

or youth advocate who has training and an understanding of adolescent development.¹⁵ Additionally, CPD should consider adhering to the American Academy of Child & Adolescent Psychiatry guidelines that recommend all interviews with youth be recorded in order to assess the youth's competency during the interview upon later review.¹⁶

- c. **Define the terms "interview" and "interrogation."** The directive refers to the policy on the processing of juveniles and minors under Department control (S06-04), which details the procedure for the interrogation of youth. The terms "interview" and "interrogation" are used without including definitions. Clarify the differences between an interview and interrogation, and outline the procedures followed for each type of interaction.
 - i. The directive (S06-04) states that "reasonable efforts" will be made to ensure a parent or legal guardian is present for a youth under age 15 who is arrested for a felony offense. If efforts fail to secure a parent or legal guardian, a detective will be present for the interrogation. Also, the directive indicates youth can meet with a public defender without parent or legal guardian consent. CPD should further clarify what "reasonable efforts" are made to notify the parent or legal guardian before including a detective in the interrogation or allowing youth to meet with a public defender.¹⁷
 - ii. The directive (S06-04) does not specify the qualifications of the detective who is required to be present during interrogation. The assigned detective should receive training on identifying and addressing the wellbeing of youth under interrogation.
 - iii. The directive (S06-04) does not consider representation for youth who do not qualify for meeting with a public defender (i.e. a youth over age 15 who is arrested). The Juvenile Law Center states that all youth should be provided with legal representation during the interview/interrogation process.¹⁸ Additionally, by providing all youth legal representation, interrogation information that leads to false information or confessions can be mitigated.¹⁹
- d. **Consider the OIG audit recommendations for the Juvenile Intervention Support Center (JISC) that are still in the process of being implemented.** The directive refers to the policy on the JISC (S06-04-06) for guidance on how officers should interact with youth who are alleged of offenses. The directive on interactions with youth and children should consider the recommendations made by the OIG audit of the JISC that have yet to be implemented. These recommendations include the policy on handcuffing youth to

¹⁵ G02-05, Interactions with Youth and Children (draft); Coalition for Juvenile Justice, Emerging Concepts Brief: What are the Implications of Adolescent Brain Development for Juvenile Justice?, 2006, accessed April 5, 2023. https://www.juvjustice.org/sites/default/files/resource-files/resource_134.pdf

¹⁶ American Academy of Child & Adolescent Psychiatry, "Interviewing and Interrogating Juvenile Suspects," March 7, 2013, accessed April 8, 2023.

https://www.aacap.org/aacap/Policy_Statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx

¹⁷ S06-04, Processing of Juveniles and Minors Under Department Control (effective February 24, 2023 to present).

¹⁸ Juvenile Law Center, Youth Interrogations and Access to Counsel, accessed April 10, 2023.

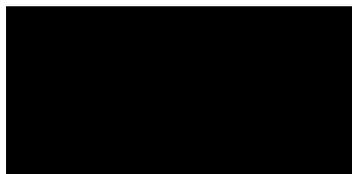
<https://jlc.org/issues/access-counsel>

¹⁹ Office of Juvenile Justice and Delinquency Prevention, Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation, September 2012, accessed April 10, 2023. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/reducing-risks-executives-guide-effective-juvenile-interview-and>

stationary object, recording and tracking the practice of handcuffing youth in CPD's database, the process of selecting members for JISC positions, utilizing an empirically validated risk screening tool, and offering youth processed at district stations the same diversion opportunities as JISC-processed youth.²⁰

Thank you for considering COPA's feedback on this important topic. Due to our detailed approach to this review and the numerous policies related to interactions with youth, we were unable to review specific sections about missing youth (Section XI) and youth CIT training (Section X) but recommend continued review of both. In addition, COPA will be following up with CPD with an advisory letter that addresses issues specific to School Resource Officers. Please do not hesitate to contact COPA if you wish to discuss this feedback further. COPA is open to meeting with CPD about capacity building and planning toward the goal of operationalizing the above recommendations. We look forward to further conversations as we continue to work toward the shared goal of improving Department policies.

Sincerely,



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cc:

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²⁰ S06-04-06, Juvenile Intervention Support Center (effective February 24, 2023); Office of Inspector General, Chicago Police Department and Department of Family and Support Services' Administration of the Juvenile Intervention and Support Center Audit Follow-Up, City of Chicago, November 18, 2021, accessed April 12, 2023. <https://igchicago.org/2021/11/18/chicago-police-department-and-department-of-family-and-support-services-administration-of-the-juvenile-intervention-and-support-center-audit-follow-up/>