

Peace Officer Standards and Training Commission Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children

Introduction

In Section 119 of the Chapter 253 of the Acts of 2020, the Legislature instructed the Massachusetts Peace Officer Standards and Training Commission (“Commission”) to: “issue guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or other mental or physical condition.”

The purpose of this guidance is to provide Massachusetts Law Enforcement Officers and Law Enforcement Agencies¹ with guidelines for the use of developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to use of force with minor children (i.e. children under the age of 18). This guidance does not have the force of a statute or regulation, and does not express requirements with which Law Enforcement Officers or Agencies must comply.

The Commission recognizes that in issuing such guidance, it must balance the goals of improving the safety of children, the needs of the community, and the well-being of Law Enforcement Officers,² while increasing trust between Law Enforcement Officers and the communities they serve. The Commission expects that this guidance will be modified and refined as new knowledge, facts, and scientific evidence inform the understanding of factors which influence the outcomes of Law Enforcement Officer-minor child interactions.

Moreover, the Commission believes that these Law Enforcement Officer-minor child interactions are best understood in a broader context that acknowledges the convergence of multiple factors,

¹ Law Enforcement Agency is defined in Chapter 6E as: “(i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.”

² Law Enforcement Officer is defined in Chapter 6E as: “Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.”

primarily minor child factors, community factors, and Law Enforcement Officer factors, in determining the outcome of these interactions.

Context of the Interaction between Minor Children and Law Enforcement Officers

Minor Children

Minor children are uniquely vulnerable to violence and trauma. Interactions between Law Enforcement Officers and minor children often represent a minor child's earliest experiences with the legal or law enforcement system and may impact a minor child's development, sense of security and regard for authority. Law Enforcement Officers who are well trained and supported to embrace and understand developmentally appropriate interventions with minor children are likely to engage in positive and culturally-competent interactions with minor children that increase their well-being and promote successful outcomes.

It is well documented that minor children are developmentally distinct from adults. These developmental differences are related to the biological immaturity of children, including their lack of life experience relative to adults. According to the The National Academy of Sciences' *Reforming Juvenile Justice* report (2013), children are developmentally distinct from adults in at least three ways: (1) they demonstrate less emotional self-regulation in emotionally charged situations; (2) they have increased susceptibility to external influences such as peer pressure and immediate incentives; and (3) they are less able to make judgments and decisions that require future orientation. Minor children have a propensity for "rash, impulsive and poorly considered actions" especially when faced with "emotionally-charged situations where the time for deliberation is limited, and they lack access to an adult or other person who can help them consider options and consequences - often when with peers." (Kinscherff, 2021). Due to their developmental immaturity, they are less likely than adults to respond favorably to transactional policing approaches, accurately appraise officer behavior and experience police stops as a deterrent to criminal behavior (Thurau and Fine, 2021).

Community

It is also well-established that factors associated with the community environment such as crime level, police patrol presence, socioeconomic level and neighborhood disorganization affect police behavior and arrest rates. (Sanborn and Salerno, 2005). Research on race and policing indicates that Black Americans experience a greater frequency of police contacts, discretionary stops, and police harassment when these stops occur (Maynard and Haider-Markel, 2014; Fagan et al., 2010; Fagan and Tyler, 2005; Meares, 2014). Discretionary stops by police that are interpreted as harassing, unfair, or discriminatory undermine the public trust in police, encourage avoidance of police and negatively impact community and individual mental health (Geller et al., 2014; Sewell, Jefferson and Lee, 2016; McGlynn-Wright et al., 2020). Research has found that community factors and perceptions of procedural justice also impact the attitudes that minor children have

toward police (Office of Juvenile Justice and Delinquency Prevention, 2018). When Law Enforcement Officer-minor child interactions are unbiased, respectful and built on a foundation of positive community experiences, they are more likely to elicit cooperation, foster trust and decrease a minor child's experience of fear and trauma during contacts with Law Enforcement Officers.

Law Enforcement Officers

Factors associated with individual officer characteristics such as an officer's years of experience on the job and the overall culture of a police department also influence Law Enforcement Officer-minor child interactions. (Office of Juvenile Justice and Delinquency Prevention, 2018). Law Enforcement Officers who are well trained, properly supported in their job, and emotionally regulated are more likely to communicate effectively with children, make sound assessments of risk and options for intervention, and slow down when necessary to de-escalate a crisis incident.

The increased exposure to violence and threats to the personal safety of self and the safety of others on the job creates high levels of occupational stress for Law Enforcement Officers. On the job exposure to the serious injury or death of a child has been recognized as one of the most stressful critical incidents Law Enforcement Officers may encounter in the course of their careers. Law Enforcement Officers should have access to support and post-encounter crisis debriefing of critical incidents involving minor children to prevent stress reactions.

During interactions with minor children, Law Enforcement Officers should be particularly aware of minor children's normal developmental tendencies to react anxiously and distrustfully to police presence. When feasible, they should approach minor children in a non-confrontational manner to diffuse tension while maintaining safety. Law Enforcement Officers should be trained in developmentally appropriate, trauma-informed and racially equitable tactics to de-escalate minor children, including communication strategies which avoid threats and intimidation and promote calm age-appropriate language, provide choices and allow ample time for compliance. It is also critical that Law Enforcement Officers are aware of their own stress level and the impact of their presence and behavior on the outcome of interactions with minor children.

GUIDANCE

DE-ESCALATION & DISENGAGEMENT³

1. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.
2. Law Enforcement Officers should consider all approved diversion options and select the alternative which least restricts the minor child's freedom and provides an alternative compatible with the best interests of the minor child and the community. When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.
3. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and attempt to gain cooperation and trust from the minor child whenever safe and feasible.
4. When appropriate and feasible, Law Enforcement Officers should approach a minor child in a manner that is slower and more deliberate than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
5. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peace-keeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child's response.
6. Law Enforcement Officers' attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
7. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
8. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally

³ The Municipal Police Training Committee (MPTC) in their current lesson plan, *Police Response to Mental Illness and Emotional Disturbances*, defines de-escalation as an "interactive process where the goal is to guide an individual to a calmer state of mind and to get to solution-based thinking. De-escalation refers to establishing and maintaining control of a situation in order to increase the safety of all and to build rapport with a person in order to increase cooperation." This concept of de-escalation is embedded in the MPTC's current Use of Force and Integrating Communications, Assessment and Tactics (ICAT) curricula. It is generally understood that de-escalation techniques require Law Enforcement Officers to make a shift away from transactional, "quick resolution" tactics and slow down their interactions to build rapport and provide support to an emotionally dysregulated individual.

appropriate language, maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality.

9. When interacting with a minor child, officers should avoid tactics that are demeaning or likely to humiliate the minor child.

EDUCATION & TRAINING

10. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to prevent escalation of Law Enforcement Officer-minor child interactions. Training should include, but is not limited to:
 - a. Implicit and explicit bias training to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color;
 - b. Trauma training that includes strategies for effective, trauma-informed responses to minor child behavior. Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children;
 - c. Scenario based training involving interactions with minor children;
 - d. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
 - e. Training in communication, stabilization, and crisis intervention strategies and techniques. Strategies/techniques should encompass:
 - i. active, reflective, and empathic listening;
 - ii. rapport building;
 - iii. affect management; and
 - iv. crisis negotiation and response.
11. Law Enforcement Agencies should develop a specific academy training on how to interact and engage with minor children. Academy training should include the following as it relates to minor children:
 - a. Conflict resolution and problem solving;
 - b. Alternatives to arrest; and
 - c. Impact of child development and trauma on minor children's ability to process, take directives, and respond to Law Enforcement Officers.

TRAUMA

12. Law Enforcement Officers should be encouraged to access support and debriefing following critical incidents involving minor children.

13. Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

COMMUNITY

14. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to establish community relationships through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.
15. Law Enforcement Agencies should make identified community resources for minor children available and accessible to Law Enforcement Officers.
16. Law Enforcement Agencies should periodically review and update procedures for effective Law Enforcement Officer-minor child interactions that include effective communication strategies for children.
17. Law Enforcement Agencies should support initiatives that increase positive Law Enforcement Officer-minor child interactions and engagement in communities that increase community trust in Law Enforcement Officers.