***Introduction***

The JJAG’s recommendations to reduce racial and ethnic disparities in arrests of DC’s young people seek to promote and achieve a definition of public safety where all DC’s children and youth, and especially DC’s Black children and youth, feel safe and cared for.

The JJAG recommends that DC’s systems treat children, youth, and families as individuals and not boxes to check or bodies to be controlled, asking “What would you do for your own child?”

The JJAG recommends DC agencies define safety with measures related to social and public health, and prioritize the hierarchy of needs, adolescent brain development, and anti-oppression in decision-making for, about, and with youth.

The JJAG has four core goals.

[Goal 1 - Reduce contacts between police and youth.](#_9udwg85euvri)

[Core Goal 2: Where contacts do occur, ensure that all police policies, procedures, and practices with youth mitigate harm and trauma, promote fairness, and achieve positive youth development and healthy outcomes for youth.](#_ptvtuvpeu898)

[Core Goal 3: Respond to risky youth behaviors as a social and public health issue rather than criminal or delinquency issue.](#_lq4g9r7dagcq)

[Core Goal 4: Increase capacity and accountability for the District to reduce racial and ethnic disparities at arrest of young people and the trauma associated with policing.](#_vk3gd2oeql3v)

## Goal 1 - Reduce contacts between police and youth.

**Recommended Strategies**

1. Make inadmissible in criminal or delinquency court proceedings the fruits of a search if seized when: (1) the subject of the search is a youth under 18 years old; (2) the justification for the search by sworn members of a DC law enforcement agency is consent; and (3) the search is not executed pursuant to a warrant or another exception to the warrant requirement.
2. ~~Police interrogations in schools are presumed to be custodial interrogations.~~
3. ~~Remove police from schools and replace them with mental health and other support services.~~
4. Reduce the issuance of court orders/warrants/arrests for abscondence.
5. Increase or improve community education about adolescent development and behavior.
6. Expand prevention and early intervention strategies designed to reduce risk behaviors and increase protective factors for youth through supportive services, with an emphasis on trusted channels like peers, credible messengers, community-run service providers, etc.

*Discussion of Strategies*

1. Make inadmissible in criminal or delinquency court proceedings the fruits of a search if seized when: (1) the subject of the search is a youth under 18 years old; (2) the justification for the search by sworn members of a DC law enforcement agency is consent; and (3) the search is not executed pursuant to a warrant or another exception to the warrant requirement.
   1. **Context note**: [§ 23–526](https://code.dccouncil.us/us/dc/council/code/sections/23-526). Limitations on consent searches.: This section was created by temporary legislation that will expire in September, 2022. This strategy aligns with the DC Police Reform Commission's recommendation in its April 2021 Report: “[Council] should prohibit consent searches, given that voluntary consent is an oxymoron… especially in over-policed communities.”
   2. **Reasoning:** African American and Latinx youth are especially vulnerable to involuntarily waiving their rights. Youth are unlikely to know or understand their right to remain silent, their right to an attorney, and other rights. They are more likely to waive these rights because they think they have no other options. Youth are taught to comply with adults, especially authority figures.

African American youth are more likely to have experienced or witnessed police violence or aggression, which can cause them to submit to police out of fear. Researchers have described “viral videos” of police killings as one of the most traumatic events facing adolescents of color today. Black, brown and other children of color who experience or perceive racial bias in policing in school and in the community suffer high rates of fear, anxiety and distrust, causing them to submit to the police out of fear. African American families also teach youth to obey police officers to avoid being shot or harmed.

Police searches significantly increase emotional distress for youth of color during a police stop and post-traumatic stress symptoms after the stop. African American boys who have watched friends, family members, or even complete strangers be searched by police report symptoms consistent with secondary trauma. This post-traumatic stress causes sleep deprivation and low sleep quality for African American and Latinx youth.

Negative encounters with the police can increase crime instead of reduce it. Researchers found that Black and Latino teenage boys who were stopped by police reported greater emotional distress and more frequent engagement in delinquent behavior six, twelve, and eighteen months later when compared to boys who were not stopped by police.

1. ~~Police interrogations in schools are presumed to be custodial interrogations.~~
   1. **~~Question:~~** ~~Unnecessary because of prohibition on police going into schools without a crime occuring there?~~
2. ~~Remove police from schools and replace them with mental health and other support services.~~ 
   1. **~~Question:~~** ~~Is this necessary following recent removal of school police funding and increase of school-based mental health funding? Opportunity to incorporate into a Goal 3 Strategy 7?~~
   2. **~~Context note~~**~~: The current budget removes District funding for MPD officers in schools and increases funding to school mental health providers.~~ [~~Black Swan Academy~~](https://www.blackswanacademy.org/policefree-schools) ~~advocates for removing police from DC schools and investing in “resources that will create a safer, healthier, more equitable school environment.” In addition, this strategy aligns with the DC Police Reform Commission's Recommendation in its April 2021 Report: “Dismantle the school policing infrastructure and replace it with a holistic public health approach to school safety and crisis intervention that is elational, racially just, restorative, trauma-responsive, and trauma-informed.”~~
   3. **~~Reasoning:~~** ~~The presence of police officers in schools leads to needless intervention for minor misconduct and “create[s] a climate in which teachers and staff increasingly call on [police] for minor disciplinary issues and classroom management in general.” This causes psychological harm, increased loss of instruction, and lower rates of graduation and college enrollment.~~

~~Researchers found that youth with more exposure to law enforcement report more emotional distress after each interaction. For Black and Latinx youth, this trauma and feelings of being socially stigmatized are particularly aggravated if the encounter took place at school. This negatively impacts a student’s ability to learn and succeed in the classroom and in the larger school environment.~~

~~Schools can better ensure student success by providing supportive services and creating a school climate that fosters caring, compassionate, and trusting relationships between staff and students. Due to their daily contact with students, schools can be the most efficient place to provide resources and support for students who have experienced trauma.~~

~~Developmentally appropriate alternatives to school safety include positive behavior interventions, restorative justice, and social emotional learning. Research shows positive behavioral intervention has been effective in decreasing bullying and office referrals and improving school climate, perceptions of school safety, and academic success.~~

1. Direct agencies and contracted service providers to develop and implement standard policies with the goal of reducing the issuance of court orders, warrants and arrests for abscondence, and add contract language, fully resource and hold accountable contracted service providers to implement evidence-based best practices to create welcoming, youth-friendly environments informed by adolescent development and reduce youth leaving placements.
   1. **Reasoning:** Arrests of youth for abscondence or custody orders routinely represent a very high percentage of all juvenile arrests. RED Team members found that agencies regularly submitted requests for custody orders when a youth would leave placement, even for short periods of time. Placements also requested custody orders for minor curfew violations. Further, agencies often forget to withdraw the custody orders upon the youth’s return.

The RED Sub-Committee requested and reviewed publicly-accessible juvenile justice agency data, including from CFSA, DYRS, and CSS, and policies or regulations regarding requesting and serving of warrants and how they are recalled. Agency (DYRS, CSS, MPD, and CFSA) policies re: custody orders, abscondences, and curfew violations state as follows.

* + 1. The policy of the DC Child and Family Services Agency (CFSA) regarding custody orders is to immediately issue an order when a child has been missing for 24 hours.
    2. The policy of the Metropolitan Police Department Members regarding any alleged curfew violation is to “initiate a stop” in order to determine if the youth is in violation and later follow up with CFSA or DC Superior Court. The District’s curfew is in place for youth 16 and under yearlong.

To prevent unnecessary contact with the criminal legal system. Group homes may also need to improve their environment and services to better welcome and create a home-like environment where youth want to stay.

1. Increase or improve community education about adolescent development and behavior.
   1. **Reasoning:** The RED Sub-Committee discussed the need to inform community members about adolescent development and typical youth behavior. Some of this comes from the need to unlearn a lot of the cultural bias about Black and Brown youth. The team suggests identifying who to educate -- ex: business community, members who visit but don't reside in the community, community members who are totally new to DC, etc.

The research on adolescent brain development and behavior indicates that the adolescent brain is essentially under construction until youth are in their mid-20s. Consequently, young people are more likely to be swayed by peers, engage in risky and impulsive behaviors, and seek immediate gratification over long-term rewards.

1. Increase or improve education for young people about their rights during interactions with police, during school, or while out in the community.
2. **Reasoning:** To protect young people, the District needs to implement developmentally appropriate education to inform youth of their rights and allow youth to have a role in policy-making and public oversight. The district also needs to provide more training to officers regarding adolescent development and adolescent-appropriate policing.
3. Expand prevention and early intervention strategies designed to reduce risk behaviors and increase protective factors for youth through supportive services, with an emphasis on trusted channels like peers, credible messengers, and community-run service providers.
   1. **Reasoning:** Studies show that demographics, economic resources, childhood maltreatment, educational experiences, IEP eligibility, and neighborhood environment affect juvenile justice system involvement. CJCC Root Cause Analysis report shows that youth involved in the juvenile legal system have higher rates of limited economic resources, homelessness, childhood maltreatment (contact with the family regulation system), school absences, school suspensions, changes in schools, grade retention, comorbid disorders, psychotic disorders, learning disorders, IEPs.

A shift in resources toward prevention is based on evidence and programmatic outcomes demonstrating that non-police responses are effective in protecting and even enhancing public safety and addressing the underlying factors that can lead to someone being involved in criminalized activities. The involvement of armed police exacerbates crises related to mental, behavior, and physical health (including drug overdoses), domestic violence, and emergencies related to individuals with developmental and physical disabilities.

## Core Goal 2: Where contacts do occur, ensure that all police policies, procedures, and practices with youth mitigate harm and trauma, promote fairness, and achieve positive youth development and healthy outcomes for youth.

**Recommended Strategies:**

1. Engage adolescent development experts to update Miranda warnings or MPD’s explanation of Miranda warnings to reflect adolescent development and effective communication.
2. Make inadmissible statements made by youth under 18 during custodial interrogation unless: (1) they are read their Miranda rights by a law enforcement officer in a developmentally appropriate way; (2) they have the opportunity to consult with counsel before making a waiver; and (3) in the presence of their attorney, they make a knowing, intelligent, and voluntary waiver of their rights. Fully fund the office of the Public Defender Service to provide 24-7 access to attorneys for waiver consultations.

Strategies:

1. Engage adolescent development experts to update Miranda warnings or MPD’s explanation of Miranda warnings to reflect adolescent development and effective communication.
   1. **Reasoning**: Research indicates that youth struggle to understand or follow Miranda warnings. Miranda warnings are not written in plain language.
2. Make inadmissible statements made by youth under 18 during custodial interrogation unless: (1) they are read their Miranda rights by a law enforcement officer in a developmentally appropriate way; (2) they have the opportunity to consult with counsel before making a waiver; and (3) in the presence of their attorney, they make a knowing, intelligent, and voluntary waiver of their rights. Fully fund the office of the Public Defender Service to provide 24-7 access to attorneys for waiver consultations.
   1. **Context note**: Bill 24-306 stalled in Council 10/2021.
   2. **Reasoning:** Youth are more susceptible to making false confessions under intense or deceptive interrogation techniques. Youth cannot enter into any other legally binding agreements.

## **Core Goal 3: Hold youth accountable in developmentally appropriate ways.**

**Recommended Strategies:**

1. Decriminalize youth behaviors that do not pose a risk to public safety, including cannabis possession and domestic violence involving threats, simple assault, or property destruction.
2. Fully resource and hold accountable robust, citywide holistic and effective non-system, collaborative community-led services for youth, such as those described in the JJAG’s 2020 report, *Create New Opportunities for Persons In Need of Supervision (PINS) to Succeed Without Legal System Invervention*.
3. Equip all adults who interact with youth, including in schools, with language, tools, and services developed and normed for traditionally marginalized youth.
4. Engage the Office of Unified Communications and MPD to expand 911’s rapid dispatch options to include service providers without police, including violence interrupters, youth development, restorative, or community service providers.
5. Fully implement a text-capable hotline and other no-barrier mechanisms, such as street outreach teams, for youth or families to learn about and access services, including mental health or substance use disorder treatment and preventative, community-led services.
6. Agencies, including DYRS, DBH, schools, OAG, MPD and OUC should share information to contribute to collaboration and ensure awareness and access to services for youth and community.
7. **Require equal investment in prevention/intervention services that work and policing in each Ward.**

Strategies:

1. Decriminalize youth behaviors that do not pose a risk to public safety, including cannabis possession and domestic violence involving threats, simple assault, or property destruction.

**Reasoning**: Possession by youth under 18 was excluded from the change making in a citable offense. Multiple agencies are working to improve responses to domestic violence situations, recognizing that these are often not criminal matters but require support for families to resolve and prevent.

1. Fully resource and hold accountable robust, citywide holistic and effective non-system, collaborative community-led services for youth, such as those described in the JJAG’s 2020 report, *Create New Opportunities for Persons In Need of Supervision (PINS) to Succeed Without Legal System Intervention*.

**Context note**: Target services to what youth and families say they want and need. Include fun, passion-driven activities rather than focus solely on clinical treatment. Create sustainable funding streams and robust quality measures for service providers. Require quality measures to rely heavily on youth and family input. Increase awareness, uptake, and participation in services by mandating and publicizing dramatic increases in quality and relevance. Reduce barriers to participation in high quality services, especially barriers requiring court involvement or referrals by law enforcement agencies or those limiting to one-time use only.

1. Equip all adults who interact with youth, including in schools, with language, tools, and services developed and normed for traditionally marginalized youth.

**Context note:** Expand the audience for these tools beyond the agencies and adults who directly interact with youth and include those agencies and adults whose day-to-day work affects youth. For example, at a school level, support staff including but not limited to paraprofessionals, librarians, transportation providers, food service assistants etc. At a city-level example would include agencies whose day-to-day work affects youth, such as the DC Housing Authority, Department of Employment Services, Department of Public Works.

It is not only important that these tools are developed and normed for youth in general, but specifically for traditionally marginalized youth. While not an exhaustive list, some traditionally marginalized groups of youth specifically mentioned by subcommittee members include: Black, Brown, AAPI and LGBTQ+ youth, English language learners, and youth with disabilities.

1. Engage the Office of Unified Communications (OUC) and MPD to expand 911’s rapid dispatch options to include service providers without police, including violence interrupters, youth development, restorative, or community service providers.

**Context note:** The RED subcommittee explored the [Support Team Assisted Response (STAR) Program](https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Public-Health-Environment/Community-Behavioral-Health/Behavioral-Health-Strategies/Support-Team-Assisted-Response-STAR-Program) from Denver and recommends further exploration toward implementation. 911 in Denver has dispatched STAR teams, including Emergency Medical Technicians and Behavioral Health Clinicians without any law enforcement representatives, to over 2000 calls for service that would have otherwise been dispatched to police. STAR teams have never called for police back up due to a safety issue on a call.

OUC is supportive of this recommendation.

1. Fully implement a text-capable hotline and other no-barrier mechanisms, such as street outreach teams, for youth or families to learn about and access services, including mental health or substance use disorder treatment and preventative, community-led services.

**Context note**: The JJAG previously proposed equivalent services in its 2020 report, *Create New Opportunities for Persons In Need of Supervision (PINS) to Succeed Without Legal System Invervention*. OVSJG also included technology supports for expanding existing hotlines to include text capacity in its recent Request for Applications.

911 is already text-capable and the Office of Unified Communications noted high rates of text usage by youth in crisis situations.

1. Agencies, including DYRS, DBH, schools, OAG, MPD and OUC, should share information to contribute to collaboration and ensure awareness and access to services for youth and community.

**Reasoning:** The RED subcommittee observed gaps in how agencies share information and collaborate to really solve challenges.

Removed 311 because they do not directly handle anything that requires an immediate response and would refer someone to a service-providing agency if someone called looking for services. 911 and 988 can appropriately be included.

1. **Require equal investment in prevention/intervention services that work and policing in each Ward.**

**Reasoning:** Invest DC funding equitably on solutions that work. Identify where we spend higher amounts on police and match investments in those places on enhancing support services. Redefine what success looks like for service providers. Prioritize government funding and grants to quality of care (and holistic measures) vs. quantity of care. Investments should also create safe spaces for youth to be out and about.

## Core Goal 4: Increase capacity and accountability for the District to reduce racial and ethnic disparities at arrest of young people and the trauma associated with policing.

**Recommended Strategies:**

1. **Add age range, race and gender in aggregate form to publicly available data in youth stops and arrests.**
2. Raise awareness and understanding among youth and families of the effects and impact of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
3. Engage trusted community-led organizations to communicate to the wider DC community the effects and impact of and of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
4. Engage trusted community-led organizations to educate public safety, education, and other youth-serving professionals across DC agencies about the effects of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
5. Publicly document the system failures contributing to delinquency in the lives of youth and families in a way that protects youth confidentiality.
6. Value youth voice and create spaces for community participation and accountability to youth perspectives and voices in public safety and public health agencies.
7. Declare that systemic **and** institutional white supremacy are a public health threat. Acknowledge and commit to repair the continued harms that racism and white supremacy continue to cause to Black young people and their families, as well as Indigenous and people of color, and the whole DC community

Strategies:

1. **Add age range, race and gender in aggregate form to publicly available data in youth stops and arrests.**
   1. **Question:** What is our goal in seeking more data available and shared? What is our principle of protecting youth confidentiality? Where does the line between those two lie and does this strategy achieve what we’re trying to do?
   2. **Context note:** Relevant laws and policies: Code 16-2333 (a) says, “Except as otherwise provided in this section and in [section 16-2333.01](https://advance.lexis.com/document/?pdmfid=1000516&crid=4d923c90-36b2-454d-92d3-ea5accbf7756&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A8T1B-0MF2-D6RV-H4NK-00000-00&pdcontentcomponentid=5074&pdteaserkey=sr0&pditab=allpods&ecomp=sd-pk&earg=sr0&prid=698480e4-6144-433c-bada-17e73e03286e), law enforcement records and files concerning a child shall not be open to public inspection nor shall their **contents or existence** be disclosed to the public unless…” They can only report this information because of an amendment made to the statute that added a new paragraph (f) which says, “Notwithstanding the confidentiality requirements of subsection (b) of this section, the Metropolitan Police Department shall make reports available to the public every 6 months of the number of children arrested in the District by the location of the police service area within which the juvenile suspect lives, and giving the location of the police service area within which the crime occurred, the charges, and the date of the crime.” And <https://go.mpdconline.com/GO/GO_304_10.pdf>

DC Code 16-2333 (f) which requires MPD to periodically release juvenile data and, if further release of information is required, whether that is the paragraph that would be amended. Paragraph (f) states, “Notwithstanding the confidentiality requirements of subsection (b) of this section, the Metropolitan Police Department shall make reports available to the public every 6 months of the number of children arrested in the District by the location of the police service area within which the juvenile suspect lives, and giving the location of the police service area within which the crime occurred, the charges, and the date of the crime.” MPD’s most recent report: <https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Biannual_Report_2021%20July_Dec.xlsx>

**Reasoning:** The original goal of this strategy was to gather data on policing in strategies and enforcements in *affected* communities and to gather and compare data at key points of contact in the process, including:

* + 1. Patrol arrests.
    2. Calls from school. (DCPS and charter schools may already be required to law enforcement activity. Existing statute and potential bill.)
    3. Calls from community complaints.
    4. Calls from family members (Domestic).

Collect data by ethnicity beyond Hispanic/non-Hispanic to identify and understand the diverse perspectives of Black youth and refine how we track the impact of policing on different ethnic groups.

1. Raise awareness and understanding among youth and families of the effects and impact of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
   1. **Reasoning**: The public and DC agency staff may not have received education that punishment is not an effective deterrence and has a limit to its effectiveness, and is not the same as accountability.
2. Engage trusted community-led organizations to communicate to the wider DC community the effects and impact of and of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
3. Engage trusted community-led organizations to educate public safety, education, and other youth-serving professionals across DC agencies about the effects of justice system involvement and policing on young people and the effects of disproportionate contact on individuals, neighborhoods, and the community in a way that protects youth confidentiality.
4. Publicly document the system failures contributing to delinquency in the lives of youth and families in a way that protects youth confidentiality.
   1. **Reasoning:** Recognizing that most, if not all, youth in the juvenile justice system have touched at least one other public DC agency during their lives and that each touch represents a chance for adults to provide positive supports and access to opportunity, prevention and early intervention services. Much of the behaviors we treat as offenses in the juvenile justice system are extreme manifestations of adolescent development and responses to traumatic experiences, and therefore should be addressed earlier by other child-serving agencies. If behavior reaches the point of the justice system, systems have failed to meet this child’s needs.
5. Value youth voice and create spaces for community participation and accountability to youth perspectives and voices in public safety and public health agencies.
   1. **Context note:** At an individual level, ensure youth have input on what services they need and want. At a systems level, create structures and cultures of accountability to the youth and families served by agencies.
6. Declare that systemic **and** institutional white supremacy **are** a public health threat. Acknowledge and commit to repair the continued harms that racism and white supremacy continue to cause to Black young people and their families, as well as Indigenous and people of color, and the whole DC community.
   1. **Question:** How does the 1st sentence’s contribution to this strategy balance with any misunderstanding or negative reactions its inclusion may cause for some?

* 1. **Context note**: CDC goal: Racism is a [system external icon](https://www.jstor.org/stable/4149999?origin=crossref&seq=1)—consisting of structures, policies, practices, and norms—that assigns value and determines opportunity based on the way people look or the color of their skin. This results in conditions that unfairly advantage some and disadvantage others throughout society.
  2. **Reasoning**: One crucial impact of racism in the youth legal system is the adultification of Black youth, leading to harsher penalties and an increased ease with which the community seeks to criminalize adolescent behavior by Black youth.

Amber Hewitt, Chief Equity Officer commented: This recommendation is important since we know that the effects of institutional racism on individuals is certainly a public health issue with a large body of research to demonstrate how pervasive it is in our criminal justice system. A systemic threat requires a systemic response.