

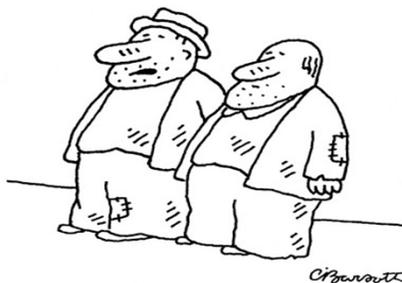
New York State Regional Leadership
Summit on School-Justice Partnerships

POLICING THE TEEN BRAIN IN SCHOOL

Paradigm Changes

Recognition:

- Same old/same old won't work now
- May not have worked previously.
- Pay now, pay later.



“Good news, I hear the paradigm is shifting.”

First Responders

Asked to respond to domestic social policy failures including:

- Dial a daddy
- Truancy
- Mental health issues
- Drugs/alcohol
- Fear of youth
- Racial



Social & Domestic Policy Failures

Poverty/Unemployment
Fragile Families/Fatherlessness
Vulnerable Communities



Police

First Responders for Discipline



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Policing Youth in 2013

- Must respond to every call; acting as
 - “Daddy Disciplinarian”
- Fewer alternatives, options for referrals
- More challenge to traditional assertion of authority
 - Greater need to assert authority
- Increasing Status Offenders

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Youths' Perception of Police/System

- Violent
- Unfair
- Likely to be unfair to youth of color
- Impressed by weapons

Responses:

- Not sure how to interact
- Best defense is an offense...



Legal Landscape



Roper v. Simmons ('05)

Graham v. Florida ('10)

Miller v. Alabama ('12)

JDB v. N. Carolina ('11)

Roper v. Simmons (2005)

1. “A lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults...often result in impetuous and ill-considered actions and decisions...that “adolescents are overrepresented statistically in virtually every category of reckless behavior.”

Roper v. Simmons, cont'd.

2. Youth “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure...”
3. “...Character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.

Therefore:

“The susceptibility of juveniles to immature and irresponsible behavior means ‘their irresponsible conduct is not as morally reprehensible as that of an adult.’” Cannot be sentenced to death.

JDB v. North Carolina, 2011

“[O]fficers and judges need no imaginative powers, knowledge of developmental psychology, training in cognitive science, or expertise in social and cultural anthropology to account for a child’s age. They simply need the common sense to know that a 7-year-old is not a 13-year-old and neither is an adult.”

Mens Rea

- *Actus non facit reum nisi mens sit rea.*
- The act is not culpable unless the mind is guilty.

How to Know?

- At time of incident
- Objective
 - Foresight
 - Consequences
- Subjective
- State Statute

Policy Pressures Today

- **US Department of Justice**
 - Reduced use of incarceration
 - Trauma Informed Approaches
 - End use of “scared straight”
- **JJDPA Act**
 - Disproportionate Minority Contact (DMC)
 - Police Role



Policy pressures...

- **Juvenile Detention Alternative Initiative**
 - Change approach to policing
- **Cross Over Youth**
 - From abused to abusive
- **Legislation**
 - End transfer to adult court
 - Reduce school arrests



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This Just In...

January 9, 2014 from U.S. Department of Ed issues “guidance” on *Improving School Climate and Discipline*.

1. Prevention
2. Clear, Appropriate & Consistent Expectations & Consequences
3. Equity & Continuous Improvement

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School Systems are expected to...

- Reduce school-based arrests
- Train officers and school personnel in developmentally appropriate approaches to positively engage with youth.
- Developmentally appropriate & proportional consequences for misbehavior
- Reduce use of suspensions/expulsions.
- Apply all adult conduct in unbiased manner.

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And If Schools Don't...Expect

- To have your data collected!
- Enforcement actions!

Source:

<http://www.ed.gov/school-discipline/>



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Public Expectations of Police



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- Too harsh/too harsh
- Seek involvement/exclusion
- Increased understanding of mental health/special needs
- Take my child, please!

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**How do we
prepare police
to work with youth?**

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In-Service Police Training

IACP 2011 Juvenile Justice Training Needs Survey of Chiefs:

- No training after academy,
- No requirement for in-service training,
- No in-service training in juvenile justice for 5 years or > due to lack of funding.



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Academy Recruit Training

SFY Study of Police Officer Standards & Training (POST) Curriculum 2013:

- Average duration is 6 hours,
- 90 to 95% of curricula is legal; not always updated,
- Most state provide no training on youths' developmental and mental health issues.



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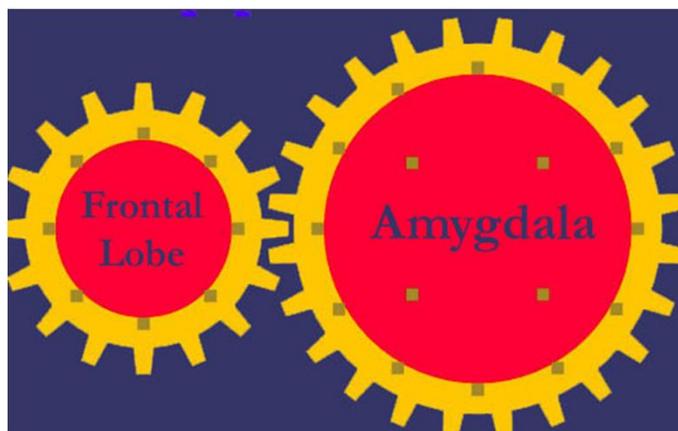
The youth you see...

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Construction Ahead

Construction Completes @ Age 25

Teens' Enlarged Amygdala: No Braking Device



Developmental Competence



Juvenile developmental characteristics such as **impulsivity, self centeredness, and resistance to authority** Increase the chances that police-juvenile encounters will involve **conflict, disrespect, and confrontational behavior.**

Developmental Competence

Can't assume:

- Intentional/purposeful
mens rea
- Clear on consequences
- Controlled



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Developmental Competence

- **Universal** stages of development
- **Adults & institutions working with children & youth must:**
- Understand
- Apply the Knowledge
- **Adjust Responses**



The Youth You See...



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Making the Case...

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Costs

- Pressure to reduce use of detention and incarceration
- Fewer law enforcement resources
 - Officers out of service
 - Court costs/OT



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Risk Management

- Media coverage
- Legal Challenges & Costs:
 - Legal fees
 - Department legitimacy
 - Community relations
 - Morale



Legitimacy of Law Enforcement



- Positive Socialization of youth to relations with authority
- Hold your fire!
- Don't dilute police authority

Key Considerations For Moving Forward

Stress Reduction Kit

**Bang
Head
Here**

- Directions:
1. Place kit on FIRM surface.
 2. Follow directions in circle of kit.
 3. Repeat step 2 as necessary, or until unconscious.
 4. If unconscious, cease stress reduction activity.