

November 27, 2019  
Memorandum to the Public  
Open for Public Comment until December 13, 2019

### **Public Comment: Proposed Youth-Specific Provisions in the Use of Force Policy**

The Baltimore Police Department (BPD), United States Department of Justice (DOJ), and the court-appointed Monitoring Team (MT) are releasing the below drafted provisions regarding Youth Interactions for public comment. The BPD intends to include these provisions within Policy 1115, *Use of Force*, which was approved by the MT on July 3<sup>rd</sup>, 2018, with certain revisions subsequently approved on June 10<sup>th</sup>, 2019, and effective department-wide on November 24, 2019.

The below content should be considered within the entirety of Draft Policy 1115, *Use of Force*, which includes a section on Children and Youth on page 10. In addition to definitional guidance and use of force core principles, Draft Policy 1115 reaffirms a BPD member's duty to de-escalate, intervene, provide medical assistance, and apply a critical decision-making model when determining how and when to use force for a lawful purpose. The policy can be found via the following link: <https://www.baltimorepolice.org/1115-draft-use-force>

The BPD intends to include the following youth-specific provisions in Draft Policy 1115:

1. Members are prohibited from utilizing pain compliance or pressure point control techniques on youth unless the encounter rises to a deadly force situation.
2. A youth 14 years of age or older retains the legal right to refuse medical treatment, even in life-threatening situations; however, a parent, guardian, or other interested person has the right to authorize treatment for the youth, unless the youth is emancipated.
3. Members are prohibited from using Force on youth who are restrained.

Additionally, the BPD intends to edit the below policy directives (new directives in **bold**):

1. As with any encounter, members are expected to continually assess the situation, employ De-Escalation Techniques, and seek peaceful resolutions during incidents involving children and youth. **Officer presence may be intimidating and threatening to youth, therefore, members should approach youth calmly and respectfully in a non-confrontational manner while avoiding physical contact, if possible, in order to diffuse tension and anxiety while maintaining safety.**
2. Members will, when feasible, recognize and employ developmentally-appropriate and trauma-informed communication tactics including, but not limited to, using a calm and **measured tone, simple and concrete language, and direct phrases. Members may use repetition in a clear voice in order to reinforce instructions. Members will not use threats and intimidation to gain compliance. When appropriate, members will allow youth time to comply with instructions.** Members will also account for any fear-based reactions children and youth may experience during an encounter **which may manifest as aggression, defensiveness, defiance, or flight.**

3. When force against a **youth** is necessary, **members will** take into account **articulable** personalized factors of the **youth** including: apparent age **of the youth**, body size, relative strength of the member relative to the **youth**, and risk posed by the **youth**.
4. In the case of injury resulting from a Use of Force, in addition to the requirements to render aid, summon medical care, and notify a supervisor, **members will ensure that a supervisor or a member not involved with the Use of Force** will notify the **youth's** parent, guardian, or other responsible adult.

In addition to the core Use of Force Policy (1115), the BPD intends to edit the below force instrument policies with the following guidance:

1. Policy 719, Conducted Electrical Weapon: Members shall not use a Conducted Electrical Weapon (CEW) on an individual who the member knows is a preteen or younger, or an individual who is a preteen or younger and whose age is objectively apparent to a reasonable officer, unless the encounter rises to a situation in which the only available alternative is Deadly Force. (Policy 719, Conducted Electrical Weapon, **November 24, 2019**, page 7 of 13).
2. Policy 1111, Batons: Except where Deadly Force/Lethal Force is justified, the member shall not use a Baton or IIW [Improvised Impact Weapon] to strike an individual who the member knows is a preteen or younger, or an individual who is a preteen or younger and whose age is objectively apparent to a reasonable officer. (Policy 1111, Batons, **November 24, 2018**, page 6 of 8).
3. Policy 1118, Oleoresin Capsicum (OC) Spray: Members should not use OC Spray against persons who are obviously pregnant, are apparently elderly, is known to be a preteen or younger or whose age is objectively apparent to a reasonable officer to be a preteen or younger, or are visibly frail, unless exceptional circumstances are present that pose an Imminent Threat of harm to the member or another party, and no reasonable alternative is available. (Policy 1118, Oleoresin Capsicum Spray, **November 24, 2019**, page 5 of 7).

Please direct any comment or suggestions you may have by clicking on the "Let's Hear Your Feedback" button above the policy. We look forward to collectively reviewing your feedback on these additions to Policy 1115. We will continually post items for public review as we revise our policies and training regarding Interactions with Youth.

Thank you for taking the time to assist BPD in improving policy guidance to our members.