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**Children with  
Special Needs,  
need Parents  
with Special  
Skills!**

February, 28 2020

**TO: AJE Staff**

**RE: Memorandum on MPD's New Handcuffing Policy**

**FROM: Anna Nagler, AJE law clerk, Tressa Palcheck, AJE law clerk**

*Reviewed by Stacey Eunnae, AJE Senior Staff Attorney*

According to a press release dated Tuesday January 28, 2020 from DC.gov (available at <https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>), the Metropolitan Police Department (MPD) recently enacted a new policy regarding how officers interact with youth. This new policy includes “enhancements to current practices, and will be reinforced by additional training for all officers on de-escalation, adolescent brain development, and trauma-informed policing.”

The new policy recognizes that “juveniles are different than adults both physically and psychologically,” and aims to ensure that officer interactions with youth are respectful and “factor in the developmental differences when engaging youth.” *id.*

MPD collaborated with DC’s Office of the Attorney General (OAG) to develop the following new guidelines which include the following guidelines:

When interacting with youth:

- “Officers shall engage in developmentally appropriate communication when interacting with juveniles, deescalate situations whenever possible, and avoid making arrests based primarily upon the juvenile’s response to the stop itself”
- Officers should consider “age, behavior, prior criminal involvement, nature of committed offenses, and seriousness of any subject complaints”
- Officers should “[a]ssume the subject is a juvenile until the member can reasonably verify the subject’s actual age”
- “When possible, and in cases where there are no immediate public safety concerns, members shall prepare an affidavit for an arrest warrant or custody order in lieu of an on-scene arrest” (GO-OPS-305.01, found in the full policy at [https://go.mpdconline.com/GO/GO\\_305\\_01.pdf](https://go.mpdconline.com/GO/GO_305_01.pdf))

New diversion eligibility criteria allow juveniles who have no prior arrests, who have not been prosecuted for a delinquent act within the past 2 years, who have not been arrested 2 or more times for the same offense in the last 2 years and who have not been arrested 3 or more times for any offense in the last 2 years to be eligible for diversion. (GO-OPS-

305.01). This criteria no longer disqualifies students with certain Metro or school related incidents (see MPD Press Release). All reasonable efforts to divert a youth should be made before considering an arrest. GO-OPS-305.01 (emphasis added).

Handcuffing procedures in the District are now supposed to limit handcuffing youth to incidents where youth “presents a danger to themselves or others.” *See*, MPD Press Release)

- “Members shall not handcuff curfew violators and truants unless the juvenile presents a danger to themselves or others”
- “Members shall not handcuff juveniles aged 12 and under unless the juvenile presents a danger to themselves or others”
- “Members shall consider the severity of the offense and circumstances of the interaction when determining whether to handcuff juveniles aged 13 through 17” (GO-OPS-305.01)

Finally, OAG has created a new Emergency Hotline number to MPD officers 24/7 to “consult with an OAG Juvenile Section Supervisor” about arrests, warrants, etc. (Release). Attorney General Karl A Racine says the OAG is “proud that [their] collaboration with MPD has resulted in new tools for policy to productively engage District youth.” *id.*

#### References:

Release: “MPD Updates Policy Governing Interactions with Juveniles.” Metropolitan Police Department, <https://mpdc.dc.gov/release/mpd-updates-policy-governing-interactions-juveniles>

GO-OPS-305.01: General Order: Interacting with Juveniles, effective 1/28/2020. Pdf can be found at [https://go.mpdconline.com/GO/GO\\_305\\_01.pdf](https://go.mpdconline.com/GO/GO_305_01.pdf).