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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

J.T., *et al.*, Plaintiffs, v. CITY AND COUNTY OF SAN FRANCISCO, *et al.*, Defendants.	Case No. 23-CV-06524-LJC **[PROPOSED] BRIEF OF JUVENILE LAW CENTER, YOUTH LAW CENTER ET AL. AS *AMICI CURIAE* IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** Hearing Date: June 4, 2026 Hearing Time: 3:00 PM Judge: Hon. Lisa J. Cisneros

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STATEMENT OF INTEREST[1]

Juvenile Law Center, Youth Law Center, The California Youth Defender Center, Children's Rights, Coleman Advocates, The Gault Center, Huckleberry Youth Programs, Legal Services for Children, and National Center for Youth Law (collectively *"Amici"*) are national and California-based organizations that are experts in youth law, children's rights, the relationship between adolescent development and social science research and the law, and juvenile legal systems. *Amici* share a common interest in reducing the harm of the juvenile legal system and limiting its reach so all young people can thrive. *Amici* are jointly concerned about the profound racial injustices present in the juvenile legal system. Through previous *amicus* briefs filed around the country, influential publications, and/or daily practice with and on behalf of young people, *Amici* have helped shape national, state, and local jurisprudence and policy on children and the law. *Amici* join together to oppose Defendants' Motion for Summary Judgment in this case.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

"Children have a very special place in life which law should reflect. Legal theories and their phrasing in other cases readily lead to fallacious reasoning if uncritically transferred to determination of a State's duty towards children." *May v. Anderson*, 345 U.S. 528, 536 (1953) (Frankfurter, J., concurring).

Amici urge the Court to find that the doctrine of group probable cause is inherently flawed when applied to youth and to account for children's unique susceptibility to harm from harsh conditions at arrest and detention. The doctrine of group probable cause is inherently incapable of accounting for the fundamental differences between youth and adults. *See* Section II, *infra*. Youth socialize, move, and react in ways that mimic cohesion without reflecting shared criminal intent. *See* Section II(B), *infra*. Adolescents are developmentally organized to build autonomy through

[1] No counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief.

exploration beyond the family and through relationships with peers. *Id.* Peer contexts are central, not incidental to adolescent social learning, identity formation, and self-direction. *Id.* Applying adult inferences to groups of adolescents ignores developmental differences, criminalizes healthy, prosocial adolescent behavior, and places youth at greater risk of unnecessary and harmful police contact. *Id.* It also risks criminalizing Black and Brown youth due to adultification and other racial biases. *See* Section II(B)(iii), *infra*. Additionally, courts must consider youthfulness when weighing the objective reasonableness of the treatment during arrest and detention. *See* Section III, *infra.* Case law, social science research, and existing statutory protections reinforce the common understanding that the police must treat youth with higher levels of care for these purposes.

ARGUMENT

I. CRIMINAL PROCEDURES MUST ACCOUNT FOR THE UNIQUE CHARACTERISTICS OF YOUTH

That Plaintiffs are youth underscores the need for standards that provide unique protections during police interactions. The U.S. Supreme Court has consistently recognized that "distinctive attributes of youth" impact the applicable constitutional standards, *see, e.g., Miller v. Alabama*, 567 U.S. 460, 472–74 (2012), and "criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed." *Graham v. Florida*, 560 U.S. 48, 76 (2010). Time and again, the Supreme Court has reminded us of "what any person knows": that adolescence is marked by specific behaviors, perceptions, and vulnerabilities. *J.D.B. v. North Carolina*, 564 U.S. 261, 272-73 (2011) (citing *Roper v. Simmons*, 543 U.S. 551, 569 (2005); *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982)). Drawing on historical experience, common sense, and scientific research, it has reiterated that constitutional standards must therefore be calibrated to take adolescence into account. *See Roper*, 543 U.S. at 569-70 (2005); *J.D.B.*, 564 U.S. at 274 ("'[O]ur history is replete with laws and judicial recognition' that children cannot be viewed simply as miniature adults." (quoting *Eddings*, 455 U.S. at 115-16)).

Between 2005-2012, the Court issued four decisions clarifying that constitutional standards must calibrate to account for adolescents' developmental status. *Miller,* 567 U.S. 460 (holding that mandatory sentences of life without the possibility of parole for minors convicted of homicide offenses violate the Eighth Amendment); *Graham*, 560 U.S. 48 (ruling that the imposition of life without the possibility of parole for juveniles convicted of non-homicide crimes violates the Eighth Amendment); *J.D.B.*, 564 U.S. 261 (holding that age is a significant factor in determining whether a youth is "in custody" for *Miranda* purposes); *Roper*, 543 U.S. 551 (holding that the imposition of the death penalty on minors violates the Eighth Amendment). These cases confirm that youth must be treated differently in the criminal legal system because procedure must account for current developmental science.

The Supreme Court has also recognized that adolescents may be uniquely vulnerable to harm, and that this vulnerability is constitutionally relevant in a variety of contexts. In *J.D.B. v. North Carolina,* for example, the Supreme Court underscored that youths' unique vulnerabilities obligate state actors to provide protections beyond those required for adults. 564 U.S. at 271-75 (adopting a "reasonable child" standard for *Miranda* warnings). *See also Safford Unified Sch. Dist. v. Redding*, 557 U.S. 364, 375 (2009) (holding a strip search of thirteen-year-old child on school grounds unconstitutional despite reasonable suspicion of drug possession because the child's "adolescent vulnerability intensifie[d] the patent intrusiveness of the exposure" of a strip search); *Gallegos v. Colorado*, 370 U.S. 49, 53 (1962) (age was the crucial factor in determining the confession of fourteen-year-old was involuntary); *Haley v. Ohio*, 332 U.S. 596 (1948) (providing heightened protections to youth facing coercive interrogations under the Fourteenth Amendment); *Lee v. Weisman*, 505 U.S. 577 (1992) (providing heightened protections to youth under the First Amendment).

The legal standards for the application of group probable cause and for the conditions during the arrest must, similarly, account for the unique characteristics and vulnerabilities of youth.

II. THE DOCTRINE OF GROUP PROBABLE CAUSE DOES NOT JUSTIFY DRAGNET ARRESTS OF YOUTH

While group probable cause theory is inappropriate in this case for a number of reasons, *Amici* write separately to highlight the particular problems with group probable cause when applied to adolescents, and especially to those who are Black or Brown.

Individual probable cause is a "safeguard...from rash and unreasonable interferences with privacy and from unfounded charges of crime." *Brinegar v. United States*, 338 U.S. 160, 176 (1949) ("The rule of probable cause is a practical, nontechnical conception affording the best compromise… To allow less would be to leave law-abiding citizens at the mercy of the officers' whim or caprice."). Group probable operates as "an instrument of oppression" when applied to youth and especially youth of color. *See Morgan v. City of DeSoto*, 900 F.2d 811, 814 (5th Cir. 1990). Youth are uniquely at risk of being misidentified as part of a group for participating in developmentally appropriate social behavior in public spaces. *See generally*, Janis L. Whitlock, *The Role of Adults, Public Space, and Power in Adolescent Community Connectedness*, 35 J. Cmty. Psychol. 499, 501 (2007) (summarizing qualitative studies' findings that children are "community" beings with an innate desire to situate themselves as part of a wider collective and availability of public gathering places factored in youth wellbeing). This risk falls most heavily on youth of color. *See, e.g.*, Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth* 13 (2021). *Amici* therefore urge this court to hold that group probable cause cannot justify the mass arrest of adolescents and young adults.

A. Using group probable cause to justify a mass arrest of youth at a skateboarding event is an impermissible "instrument of oppression."

Mass arrest invites the mistaken arrest of innocent bystanders. *See Vodak v. City of Chicago*, 639 F.3d 738, 750 (7th Cir. 2011) ("Nothing is more common than for mass arrests in riots or demonstrations to net a sizable percentage of innocents… sitting ducks easily swept up in the police charge.") (reversing summary judgment and remanding because demonstrators'

misconduct could not have justified the mass arrests of nearly 900 persons trapped by the police). This Court should be particularly skeptical of applying group probable cause doctrine to validate the wholesale arrest of youth.

The Ninth Circuit has previously held that to arrest a group of youth, probable cause requires that an officer have information that the youth are "individually responsible" for a criminal offense. In *Scott v. County of San Bernardino*, officers arrested, handcuffed, and transported a group of seventh-grade girls to the police station to "teach [them] a lesson," with only general information about conflicts between a group of girls at school. 903 F.3d 943, 949–53 (9th Cir. 2018). Lacking information that any particular child they arrested was "individually responsible" as an instigator or aggressor, the Ninth Circuit held that the officers lacked probable cause to arrest. *Id.* at 950-53 (also holding that arresting youth "to teach a lesson" was unreasonable and therefore the officers were not entitled to qualified immunity.)

The Fifth Circuit also condemned a roundup arrest of high school students in a factual scenario analogous to the present case. In *Morgan v. City of DeSoto*, recurring incidents of young people congregating in and vandalizing shopping center parking lots prompted a city response wherein police "descended on the parking lots and arrested every person who happened to tread that ground that evening." 900 F.2d at 812. Although police claimed probable cause to arrest based on trespass, the court noted that individuals could easily be in the parking lots "without the slightest reason to believe they might be guilty of wrongdoing." *Id.* at 815. A group of high school softball players on their way home stopped in the parking lot for two minutes before they were arrested, handcuffed with hands behind their back, transported to jail overnight, and unable to speak to their parents until 1:00-2:30 am. *Id.* at 813. The Fifth Circuit condemned the indiscriminate mass arrest operation:

> [W]e can find no explanation for taking every high school student found on the parking lot under any circumstances and arresting them, handcuffing them, and keeping them in jail for the night as if they were threats to society. Whatever the legal points and the liability, how can any party deny that the criminal justice system operated here as an instrument of oppression?

Id. at 814.

Group probable cause increases the risk of harm precisely where the Fourth Amendment demands restraint by justifying sweeping law enforcement operations that tolerate the arrest of innocent individuals based on proximity and mistaken association. This Court, like the Fifth Circuit in *Morgan*, should reject sweeping, oppressive authority that risks exposing youth to unnecessary trauma and grave harm.

B. Youth are particularly susceptible to being misidentified as part of a "unit."

Youth may be particularly at risk of being misidentified as part of a "unit" for the purposes of group probable cause because socializing is a core task of adolescence, and young people regularly socialize in public locations. The risks of misidentification fall most heavily to Black and Brown youth.

1. The doctrine of group probable cause is particularly inapt for adolescents given their developmental focus on socialization.

The "unit" prong of group probable cause is inherently flawed when applied to youth, who are in a developmental stage focused on building peer relationships and therefore disinclined to distance themselves from peers. Group probable cause assumes that police will be able to assess when a crowd is "behaving as a unit" such that they can impute reasonable suspicion to all members of the group. *Lyall v. City of Los Angeles*, 807 F.3d 1178, 1195 (9th Cir. 2015). The doctrine therefore requires uninvolved individuals to actively differentiate themselves. *Kampas v. City of St. Louis,* 157 F.4th 937, 943 (8th Cir. 2025) (validating the arrest of uninvolved plaintiffs because they made no attempt to distance themselves from the group, so it was objectively reasonable for officers to believe plaintiffs were part of the unit engaged in unlawful activity).

Officers who apply adult assumptions to their observations of adolescent behavior will be prone to misinterpret normal youth socialization as "unit" participation. Because peer socialization is an important and healthy part of adolescent development, youth are less likely to actively differentiate themselves from peers than adults. *See, e.g.*, Laurence Steinberg & Kathryn Monahan,

Age Differences in Resistance to Peer Influence, 43 Dev. Psychol. 1531, 1532 (2007) (explaining that early adolescents are more likely to alter their behavior to align with peers due to the heightened importance of peer relationships during development); Livia Tomova, Jack L. Andrews & Sarah-Jayne Blakemore, *The Importance of Belonging and the Avoidance of Social Risk Taking in Adolescence*, 61 Dev. Rev. 1, 2–5 (2021) (fitting in with the peer group is a key developmental goal in adolescence); Gregory S. Berns et al., *Neural Mechanisms of the Influence of Popularity on Adolescent Ratings of Music*, 49 NeuroImage 2687, 2689 (2010) (identifying "mismatch anxiety" as a neural mechanism motivating alignment to group preferences among adolescents).

Although often only discussed as negative "peer pressure," adolescents' heightened sensitivity to social influence often promotes prosocial behavior. Lucy Foulkes et al., *Age Differences in the Prosocial Influence Effect*, 21 Dev. Sci. e12661, 7 (2018); *see also* Brett Laursen & René Veenstra, *In Defense of Peer Influence: The Unheralded Benefits of Conformity*, 17 Child Dev. Persps. 74, 78 (2023) (explaining that peer influence can contribute to empathy, trust, tolerance, and positive civic engagement). This focus on connection with peers is not just incidental, it is vital to development. During adolescence, peer relationships are among the strongest predictors of long-term mental health and well-being. Joseph P. Allen, *Rethinking Peer Influence and Risk Taking: A Strengths-Based Approach to Adolescence in a New Era*, 36 Dev. & Psychopathology 2244, 2246–49 (2024). For youth, being socially included confers benefits, while being socially distinguished or excluded carries unique risk. *Id.* at 2258. While adults might be able to distance themselves from a group because they do not place as much emphasis on group approval, an adolescent is at a developmental stage when "the possibility of losing face in front of a substantial portion of one's peers is potentially devastating." *Id.* As a result, youth may interact differently with groups of peers than adults do, leading police to faulty assessments of "unit" cohesion when youth are involved.

2. The doctrine of group probable cause is particularly inapt for adolescents whose socializing often occurs in public spaces.

Because gathering in public is a primary way youth socialize, applying group probable cause to youth has the effect of criminalizing this vital experience of adolescent development. Courts have long recognized that Fourth Amendment reasonableness demands attention to context. *See Graham v. Connor*, 490 U.S. 386, 396 (1989) (holding that proper application of "reasonableness" to evaluate use of force "requires careful attention to the facts and circumstances of each particular case"). Unlike adults, adolescents depend on access to public spaces for healthy emotional and social development. *See generally*, Debra Gray & Rachel Manning, *Constructing the Places of Young People in Public Space: Conflict, Belonging and Identity*, 61 Brit. J. Soc. Psychol. 1400, 1401(2022) (describing public spaces as central contexts for young people for "the enactment of spatial, temporal and affective identities of self and other"). Public and semi-public spaces, including parks, streets, and informal gathering places, are among the only places adolescents can claim for themselves, making them critical sites for identity formation, peer bonding, and autonomy development. Patsy Eubanks Owens, *No Teens Allowed: The Exclusion of Adolescents from Public Spaces*, 21 Landscape J. 156, 156-59 (2002).

Leisure spaces such as skate parks are particularly important sites for adolescent play and development. Graham L. Bradley, *Skate Parks as a Context for Adolescent Development*, 25 J. Adolescent Res. 147, 152 (2010). Unstructured activities teach teenagers how to manage their own time and negotiate with peers. Linda L. Caldwell & Peter A. Witt, *Leisure, Recreation, and Play From a Developmental Context*, 2011 New Directions for Youth Dev. 13, 17-19, 23-24 (2011) (discussing how leisure pursuits lead to increased brain flexibility that allows teenagers to cultivate lifelong skills, passions, and hobbies). Research examining adolescents in skate parks and other informal public spaces shows that unsupervised youth group activity in public is often governed by peer norms that emphasize cooperation, turn-taking, and informal self-regulation. *See* Lisa Wood et al., *Dispelling Stereotypes… Skate Parks as a Setting for Pro-Social Behavior Among*

Young People, 2 Current Urb. Stud. 62, 68–71 (2014) (finding that skate parks function as spaces of peer accountability and positive social interaction).

Adolescents' perception that they are welcomed and valued in public space is a key predictor of community connectedness, which in turn is linked to healthy development and wellbeing. Whitlock, *The Role of Adults, Public Space, and Power*, *supra,* at 500. Conversely, empirical research shows that when adolescents are excluded from public spaces, whether by policies, adults in the community, or law enforcement, their sense of belonging and psychosocial wellbeing are significantly undermined. *Id.* at 512-13. Unfortunately, youth "frequently find themselves at the mercy of implicit and explicit processes of exclusion." Gray, *Constructing the Places of Young People in Public Space, supra,* at 1402 (also noting that because of "adult anxieties over young people's 'troublesome' behavior in public," these processes "erode their legitimate rights to occupy, socialize and participate in their neighborhoods"). In one study, youth in five cities across the country reported that their mistrust and fear of police led to anxiety and avoidance of public spaces. Ctr. for Promise, *Barriers to Wellness: Voices and Views from Young People in Five Cities* 1 (2016), https://files.eric.ed.gov/fulltext/ED572755.pdf. The exclusion from public spaces falls most heavily on Black and Brown youth. *See, e.g.*, Henning, *The Rage of Innocence*, *supra*, at 32 ("Without free and unburdened play, Black youth are at a constant disadvantage—physically, mentally, socially, and academically."); *see also* C. G. Vera Sanchez & Eric B. Adams, S*acrificed on the Altar of Public Safety: The Policing of Latino and African American Youth*, 27 J. Contemp. Crim. Just. 322, 341 (2011) (over-policing "high crime" urban neighborhoods contributes to hyper-criminalization of nondelinquent Latino and African American youth). Allowing adolescents to access public spaces where they can socialize with peers is a developmental necessity.

3. The doctrine of group probable cause is particularly inapt for Black and Brown youth because of adultification and racial biases.

The perspective of a reasonable officer for the purposes of group probable cause must be critically vetted for racial biases that are deeply embedded in the criminal legal system. For Black youth in particular, racial bias distorts observations of normal adolescent behaviors into criminality and delinquency. Henning, *The Rage of Innocence*, *supra*, at 13.

Research has shown that Black youth are perceived to be more adult and more criminal than their white counterparts. Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. Personality & Soc. Psychol. 526, 531-32 (2014). Empirical research findings suggest an adultification bias overestimation of 4.5 years for Black boys, meaning that Black boys at roughly the age of 13.5 were often misperceived as legal adults, age 18 or older. *Id.* at 532. Black girls face similar adultification overestimation, with adults viewing them as less innocent and more adult-like than their white peers, particularly between ages five and fourteen. Rebecca Epstein, Jamilia J. Blake, & Thalia González, *Girlhood Interrupted: The Erasure of Black Girls' Childhood* 1, 4-5 (Georgetown L. Ctr. on Poverty & Inequality 2017). Adultification bias toward Black youth in the criminal legal system has been connected to higher rates of transfer to adult court and more punitive sentencing. *See, e.g.*, Jessica Levin, *A Path Toward Race-Conscious Standards for Youth: Translating Adultification Bias Theory into Doctrinal Interventions in Criminal Court*, 35 UC L. SF J. Gender & Just. 83, 90-94 (2024) (arguing adultification bias explains racial disparities in juvenile transfer and sentencing in Washington); Kristin Henning, *Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform*, 98 Cornell L. Rev. 383, 422 (2013) (evidence of racial bias in perceptions of culpability, risk of reoffending, and deserved punishment of youth when the decision-maker explicitly knew the youth's race). Thus "perceptions of the essential nature of children can be moderated by race" and the special constitutional protections

afforded to children can disappear when officers fail to recognize Black youth as children at all. Goff, *The Essence of Innocence*, *supra,* at 540.

As Professor Kristin Henning documents, behaviors that are developmentally ordinary for adolescents are frequently misconstrued by law enforcement as indicia of danger, defiance, or criminal intent when exhibited by Black youth. Henning, *The Rage of Innocence*, *supra*, at 13. Rather than being understood and protected as children, Black youth are seen as adults and subjected to heightened surveillance and even lethal force. *Id.* Henning emphasizes that for most teenagers who socialize in groups, society recognizes their behavior as normal, healthy social engagement, but for Black and Latinx youth, this behavior earns them the pejorative label of gang or crew. *Id.* at 72-76; *see also* Katherine Tyson McCrea et al., *"We Are Not All Gangbangers": Youth in High-Poverty Urban U.S. Communities of Color Describe Their Attitudes Toward Violence, Struggles, and Resilience*, 35 J. Hum. Behav. Soc. Env't 285, 286–87, 297 (2025) (youth of color describe microaggressions and stereotyping by authority figures who assume gang-affiliation).

Thus, adultification bias operates not only at the individual level but at the group level as well: once Black and Brown youth are perceived as older, less innocent, and more dangerous, officers may no longer see a group of kids being kids, but instead see gang activity and criminality. In doing so, officers not only misunderstand adolescent behavior but effectively erase adolescence itself, undermining the constitutional commitment to giving special consideration to children. Taken together, racial and adultification biases against Black and Brown youth render the doctrine of group probable cause inherently flawed and dangerous. Because the "reasonable officer" perspective is shaped by these biases, the doctrine risks being applied expansively in ways antithetical and harmful to healthy adolescent development.

III. PLAINTIFFS' CONDITIONS OF ARREST WERE OBJECTIVELY UNREASONABLE IN LIGHT OF THE UNIQUE VULNERABILITY OF YOUTH

This Court must consider the unique stress and trauma experienced by youth in evaluating the objective reasonableness of the conditions of arrest. As the Supreme Court noted in *Miller v. Alabama*, adolescence is "a moment and 'condition of life when a person may be most susceptible to influence and psychological damage.'" 567 U.S. at 476 (quoting *Eddings v. Oklahoma*, 455 U.S. at 115). The Ninth Circuit has acknowledged that children are a vulnerable population, so the reasonableness of a seizure must be evaluated in light of the youth of the subject. *C.f. Franklin v. Foxworth*, 31 F.3d 873, 876-77 (9th Cir. 1994) (recognizing that a person's heightened vulnerability, plaintiff's severe disability in this case, bears on whether the manner of detention is reasonable). This approach reflects a common understanding that aggressive policing, denial of basic needs during custody, and exposure to excessive force have profound and lasting traumatic consequences for young people. Both social science research and state statutory limitations on police interactions with youth underscore these basic premises and support consideration of youth as part of the objective reasonableness analysis under the Fourth Amendment.

A. The Ninth Circuit condemns "excessively intrusive" restraints of youth.

The Ninth Circuit has emphasized that courts must consider an individual's particular vulnerability, including age, when assessing the conditions of detention, stating, "detentions, particularly…of children...raise additional concerns." *Franklin* 31 F.3d at 876.[2] More specifically, the Ninth Circuit, writing *en banc*, has condemned the use of handcuffs on a child as "excessively intrusive." *C.B. v. City of Sonora*, 769 F.3d 1005, 1026-27 (9th Cir. 2014). In *C.B. v. City of Sonora*, the Court held that handcuffing a calm, compliant, eleven-year-old child who posed no realistic threat or flight risk for thirty minutes was "completely unnecessary and excessively

[2] Defendants cite *Franklin v. Foxworth*, 31 F.3d 873, 875 (9th Cir. 1994), to argue that objective reasonableness is based on "the facts and circumstances confronting the officers," but fail to acknowledge that the case specifically notes the relevance of the vulnerability of youth and other sensitive populations in determining unreasonableness under the Fourth Amendment. (*See* Defs. Br. at 30).

intrusive." *Id.* at 1030-31 (rejecting speculative "anything is possible" concerns as invalid justification for restraining a child). The Court explicitly described C.B. as a "child" more than ten times and cited the police department's own policy against using handcuffs on children under the age of 14 unless the child has committed "a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property." *Id.* at 1030. In *Taylor v. Neves*, building on *Sonora*, the Ninth Circuit in an unpublished opinion found that, even with probable cause to arrest, handcuffing a compliant ten-year-old during transport to the police station was excessive, and no reasonable official could have believed it was reasonable. No. 23-15507, 2024 WL 3177803, at *2 (9th Cir. June 26, 2024). This Court should therefore consider a child's unique vulnerability when determining whether detention or restraints are "excessively intrusive."[3]

[3] As discussed in Section I, *supra*, courts apply a child-specific analysis in various adjacent law enforcement contexts. This includes special considerations when children are interrogated. *See Haley v. Ohio*, 332 U.S. at 599-600 (1948) ("when, as here, a mere child—an easy victim of the law—is before us, special care in scrutinizing the record must be used."); *J.D.B. v. North Carolina*, 564 U.S. 261, 271-75 (2011) (announcing a "reasonable child" standard for custodial interrogations, recognizing the inherent vulnerabilities of children compared to adults). Courts also take special care when analyzing youth claims about conditions of confinement. For example, many courts analyzing youth claims about excessive discipline or solitary confinement have noted the importance of considering how those harsh conditions uniquely impact a young person. *See, e.g., J.H. v. Williamson Cnty.*, 951 F.3d 709, 718 (6th Cir. 2020) (considering the teenaged plaintiff's age as a factor in evaluating whether the discipline he received while incarcerated was excessive (collecting cases)); *Lollis v. New York State Dep't of Soc. Servs.*, 322 F. Supp 473, 482-83 (S.D.N.Y. 1970) (relying on experts' overwhelming testimony that extended isolation of juveniles is "not only cruel and inhuman, but counterproductive to the development of the child."); *Thompson v. Montemuro*, 383 F. Supp. 1200, 1204 (E.D. Pa. 1974) (citing *Lollis* for the proposition that solitary confinement under degrading conditions has an especially devastating impact on a minor's sense of identity). The Sixth Circuit in *J.H.* made clear: "[a] court cannot consider the punishment of a child while ignoring the fact that he is a child," citing *Miller* for the fundamental principle that "imposition" of "penalties on juvenile offenders cannot proceed as though they were not children." 951 F.3d 709, 720 n.2 (citing *Miller*, 567 U.S. at 474).

B. The Fourth Amendment requires police to take special care when arresting youth.

The special relevance of youthfulness under the Fourth Amendment is rooted in the commonsense understanding, spelled out by the Supreme Court in *J.D.B. v. North Carolina*, that "children cannot be viewed simply as miniature adults." 564 U.S. at 274. Ample social science supports the conclusion that youth experience an arrest differently from adults and are uniquely vulnerable to its harms. California laws also embody this principle, codifying youth-specific protections to address the vulnerabilities of youth held in police custody.

1. Youth are uniquely vulnerable to harm at arrest.

Research has documented the harms youth experience when they encounter law enforcement and are subjected to seizure and detention. Public health and legal scholarship increasingly recognize aggressive policing and arrest as adverse childhood experiences (ACEs) that can undermine a child's sense of safety, stability, and bonding, and that are capable of causing "toxic stress" and lasting psychological and developmental harm—especially for Black and Brown youth. *See, e.g.*, Amanda Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience*, 2014–2017, 111 Am. J. Pub. Health 1300, 1300-01, 1303–07 (2021); Todd J. Clark, Caleb Gregory Conrad, & Amy Dunn Johnson, *Trauma: Community of Color Exposure to the Criminal Justice System as an Adverse Childhood Experience*, 90 U. Cin. L. Rev. 857, 872—83, 900-04 (2022) (discussing the trauma and suffering cause by policing violence against Black communities, including children). ACEs can negatively affect the child's nervous, endocrine, and immune systems, which can also contribute to negative health results in adulthood and even pass on intergenerationally. Geller, *Youth-Police Contact*, *supra,* at 1300. The more childhood adversity a person experiences, the more likely they are to die at a younger age, up to an average of almost twenty years earlier for those who report six or more ACEs compared to individuals who report none. David W. Brown et al., *Adverse Childhood Experiences and the Risk of Premature Mortality*, 37 Am. J. Preventive Med. 389, 392–96 (2009).

Any police interaction can be traumatic for youth. Henning, *The Rage of Innocence*, *supra,* at 208. For a child, arrest is not a neutral or fleeting intrusion but an interaction associated with substantially worse physical and mental health outcomes, including increased risks of depression and chronic illness. *See, e.g.*, Kathleen Turney, *Depressive Symptoms Among Adolescents Exposed to Personal and Vicarious Police Contact*, 11 Soc'y & Mental Health 113, 125 (2021) (both intrusive and nonintrusive personal contact with police are associated with greater depressive symptoms compared to adolescents who report no police contact); Destiny G. Tolliver et al., *United States Youth Arrest and Health Across the Life Course: A Nationally Representative Longitudinal Study*, 23 Acad. Pediatrics 722, 723 (2023) ("Arrest before age 25 was associated with worse self-reported health, higher rates of functional limitations, more depressive symptoms, and greater mortality by adulthood"); Geller, *Youth-Police Contact*, *supra,* at 1301 ("police contact [at an early age] could drive health inequality throughout the life course"). Data collected from 918 at-risk youth who had been stopped by police revealed that youth experienced stress at police stops regardless of whether they were engaged in delinquent behavior, and such stops could contribute to emotional distress, trauma, and stigma. Dylan B. Jackson et al., *Police Stops Among At-Risk Youth: Repercussions for Mental Health,* 65 J. Adolescent Health 627, 630-32 (2019); *see also* Thema Bryant-Davis et al., *The Trauma Lens of Police Violence against Racial and Ethnic Minorities*, 73 J. Soc. Issues 852, 858-59 (2017) (even as mere bystanders, youth who witness police stops or subtly abusive behaviors experienced decreased sleep quality).

Medical experts recognize that the harms of arrest fall most heavily on Black and Brown youth. Tolliver, *United States Youth Arrest*, *supra*, at 729. For Black youth, the trauma of unjustified arrest "steals [their] dignity and undermines their self-esteem." Henning, *The Rage of Innocence*, *supra,* at 211. Researchers have found that young Black men who have experienced intrusive police encounters displayed higher levels of anxiety and trauma and were at greater risk of PTSD from the encounter. Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104 Am. J. Pub. Health 2321, 2324-25 (2014),

https://doi.org/10.2105/AJPH.2014.302046. Neurobiologists have observed threat-response and increased vigilance from Black adolescents with direct police contact through heightened basolateral amygdala activity. Deaweh E. Benson et al., *What's the Harm? Examining Police Contact and Amygdala Reactivity Among Black Adolescents*, 16 Soc. Cogn. & Affective Neuroscience 123, 126-28 (2021) (identifying police contact as a distinct form of racialized adversity with neurobiological consequences for marginalized youth). Researchers have also found that the adolescent brain is extraordinarily sensitive to stress, tying adolescent brain plasticity to adolescents' vulnerability to mental illness and addiction. Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence,* 37-39 (2014).[4]

These findings support the premise underlying Fourth Amendment caselaw that the reasonableness of an arrest must be viewed in the context of the special vulnerabilities of youth.

2. State juvenile laws reflect the public consensus that youth require special consideration in the arrest context.

That law enforcement and the juvenile legal system must provide special care to young people is not new. From its origins, the juvenile justice movement nationwide has been premised on principles of treatment and rehabilitation, rather than punishment. *See In re Gault*, 387 U.S. 1, 15-16 (1967). California has codified this approach in its juvenile law "purpose clause," which grounds the state's juvenile court framework in the rehabilitative purpose of "preserving and

[4] Conversely, the right responses during adolescence can help youth overcome past trauma and develop competencies that will be the foundation of a successful adulthood. Charlyn Harper Browne, *Youth Thrive: Advancing Health Adolescent Well-Being,* 27 (2014), https://www.co.grant.mn.us/DocumentCenter/View/1867/Youth-Thrive-Advancing-Healthy-Adolescent-Development-and-Well-Being?bidId=; Nat'l Acads. of Scis., Eng'g & Med., *The Promise of Adolescence: Realizing Opportunity for All Youth,* 46-47 (Richard J. Bonnie & Emily P. Backes eds., 2019), https://doi.org/10.17226/25388 at 3, 18, 95-96, ("The challenge for a caring society is to take maximum advantage of the developmental opportunities afforded by adolescence.") The remarkable adaptability, plasticity, and heterogeneity of adolescent brains creates accompanying opportunities—and obligations—for individuals and agencies responsible for protecting and serving youth to help all adolescents flourish." *Id.* (internal citation omitted)).

promoting the welfare of the child." *See* Cal. Welf. & Inst. Code § 202*; In re Myresheia W.*, 61 Cal. App. 4th 734, 741 (1998).

California law on youth arrests reflects the underlying principle that youth are uniquely vulnerable while in police custody and therefore require special protection. For example, in all cases of law enforcement custody, police are affirmatively required to inform youth of their constitutional rights, irrespective of any interrogation, and youth are also entitled to two free, completed phone calls to their parents and to an attorney within an hour of being taken into custody. Cal. Welf. & Inst. Code § 627. With respect to interrogations, California has taken additional steps to protect youth by banning law enforcement from employing certain interrogation tactics, such as "threats, physical harm, deception, or psychologically manipulative interrogation tactics," Cal. Welf. & Inst. Code § 625.7, and also by requiring that all youth consult with legal counsel prior to any custodial interrogation. Cal. Welf. & Inst. Code § 625.6. Taken together, these statutes embody the public consensus that arrested youth must be treated differently from adults.

The affirmative protections for arrested youth embedded in California's statutes reflect the common understanding about the special vulnerability of youth when in police custody. They also convey a clear public standard that police behavior must be particularly circumscribed when it comes to the treatment of youth during and after arrest.

* * *

Constitutional precedent, social science research, and juvenile law protections all support the basic Fourth Amendment premise that the youthfulness of a person in police custody must be considered in evaluating the reasonableness of their treatment.

CONCLUSION

In light of the Supreme Court's jurisprudence providing special protections for youth and established scientific evidence regarding their unique developmental status, this Court should reject the application of group probable cause to Plaintiffs as youth and consider youth-specific factors in evaluating Defendants' post-arrest treatment of Plaintiffs. Under this appropriate, youth-

specific framework, Defendants fail to meet their summary judgment burden on either issue, and *Amici* therefore respectfully request that this Court deny Defendants' Motion for Summary Judgment.

Respectfully submitted,

By: */s/ Jessica Feierman*

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Dated: May 12, 2026

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2026, a copy of the foregoing was filed and served pursuant to the Court's electronic filing procedures using CM/ECF.

/s/ Jessica R. Feierman
Jessica R. Feierman