



EDUCATION ON LOCKDOWN:

The Schoolhouse to Jailhouse Track

By Advancement Project in partnership with

Padres and Jovenes Unidos

Southwest Youth Collaborative

Children & Family Justice Center of Northwestern University School of Law

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ABOUT US

ADVANCEMENT PROJECT

Advancement Project (AP) is a policy, communications, and legal action organization that develops, encourages, pioneers, and widely disseminates innovative ideas and models that inspire and mobilize a broad national racial justice movement to achieve universal opportunity and a just democracy. With offices in Washington D.C., and Los Angeles, California, AP supports organized communities in their struggles for racial and social justice.

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Padres Unidos is an organization that fights for the rights of the Latino community in Denver, Colorado. Jovenes Unidos is the youth initiative of Padres Unidos, and was formed by youth, for youth. Jovenes Unidos organizes for social and racial justice in education, amongst immigrant people, and in the juvenile justice system. Jovenes Unidos is committed to building power, demanding justice and creating change!

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CONTENTS

ACKNOWLEDGEMENTS	5
EXECUTIVE SUMMARY	7
INTRODUCTION	11
Long-Lasting Effects	12
ZEROING IN ON ZERO TOLERANCE	15
How Did We Get Here?	15
Law Enforcement Goes to School	16
Racial Profiling	18
<u>A TALE OF THREE SCHOOL DISTRICTS:</u>	
DENVER, COLORADO	23
The Problem	23
Race Matters	24
Dissecting the Cause	24
The Role of Police	25
The Denver Route	27
Denver County Court - Courtroom 191J	28
Denver Juvenile Court	29
CHICAGO, ILLINOIS	31
The Problem	31
Race Matters	32
The Role of Police	33
The Chicago Route	35
PALM BEACH COUNTY, FLORIDA	37
The Problem	37
Race Matters	38
The Role of Police	39
The Palm Beach County Route	41
The Other Aggressors	42
CONCLUSION	45
Where Do We Go From Here?	45
Initial solutions:	46
ENDNOTES	48
APPENDIX I. EXPLANATION OF OFFENSE CATEGORIES FOR CHICAGO AND PALM BEACH COUNTY	54
APPENDIX II. PREVENTION, INTERVENTION, AND DIVERSION PROGRAMS	56
APPENDIX III. BALTIMORE SCHOOLS POLICE DIRECTIVE 03-20	58



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EXECUTIVE SUMMARY

Education on Lockdown: The Schoolhouse to Jailhouse Track, is Advancement Project's second examination of the emergence of zero tolerance school discipline policies and how these policies have pushed students away from an academic track to a future in the juvenile justice system. School districts have teamed up with law enforcement to create this "schoolhouse to jailhouse track" by imposing a "double dose" of punishment - suspensions or expulsions *and* a trip to the juvenile court - for one act of childish misconduct.

This report is intended to ignite a dialogue about the negative side effects of the use of law and order approaches to address typical student misbehavior, and to encourage efforts toward reform. *Education on Lockdown* profiles three school districts - Denver, Chicago and Palm Beach County - where this track is in full operation and where communities are beginning to realize and address its adverse impact.

This report dissects the schoolhouse to jailhouse track by examining:

- How zero tolerance, a policy originally designed to address the most serious misconduct, morphed into a "take no prisoners" approach to school discipline issues and created a direct track into the juvenile and criminal justice systems;
- The expanding role of law enforcement measures in schools;
- The disparate impact of these practices on students of color; and
- How the track is unfolding in: Denver, Chicago, and Palm Beach County.

The first section of *Education on Lockdown* zeros in on zero tolerance with a discussion of the evolution of zero tolerance in public schools.

Zero tolerance, a term taken from the war on drugs (where law enforcement agencies swiftly and harshly responded to drug offenders), was initiated in school districts in numerous states during a juvenile crime wave in the late 1980's. Congress later passed the Gun-Free Schools Act of 1994, which required states to enact laws mandating that schools expel any student found on school property with a firearm. Many states, however, went above and beyond the federal mandate, passing laws that required expulsion or suspension for the possession of all weapons, drugs and other serious violations on or around school grounds.

In recent years, traditional school punishments have been supplemented by criminal penalties. Even non-violent acts are now subject to citations (tickets) or arrests and referrals to juvenile or criminal courts. In fact, in many instances the charges (e.g., battery for pouring a carton of chocolate milk over the head of a classmate) would never constitute a crime if an adult were involved. Schools have unreasonably raised the stakes for certain adolescent behaviors.

In the second section of the report we examine the changing role of police in schools.

There is much debate about how to improve school safety. Many districts have taken the easiest route – increasing the number of police patrolling hallways and giving them a greater role in disciplinary matters. In a growing number of schools, police are hired on a full-time basis. These officers are often assigned from local police departments to augment the school security staff. In other places, such as Houston, Palm Beach County, and Los Angeles, school districts have established their own police force.

Also, in an attempt to improve safety, schools have beefed up security measures to include: cameras, metal detectors, tasers, canine units, and biometric hand readers.

While these measures produce a perception of safety, there is little or no evidence that they create safer learning environments or change disruptive behaviors. There is however, evidence that these tactics unnecessarily thrust more youth into an unforgiving penal system.

The third section of the report examines the disproportionate impact that zero tolerance policies have on children of color.

Racial disparities in school discipline have been documented for over thirty years. With the increased presence of police in public schools, mandatory punishments, and the expanded use of suspensions and expulsions, students of color are getting pushed out or thrown out of schools at alarming rates. While anecdotes help to tell the schoolhouse to jailhouse story, the data included in this report also illustrates the grim picture students of color face in school.

Across the board, the data shows that Black and Latino students are more likely than their White peers to be arrested in school, regardless of the demographics of the school's enrollment. Researchers conclude that racial disparities cannot be accounted for by the socioeconomic status of students. Nor is there any evidence that Black and Latino students misbehave more than their White peers. Race does, however, correlate with the severity of the punishment imposed with students of color receiving harsher punishments for less severe behavior.

The fourth section of the report tells the tale of three school districts by mapping their schoolhouse to jailhouse tracks.

DENVER, COLORADO

Like most school districts across the country, Denver Public Schools (DPS) has drawn a line in the sand and is taking a zero tolerance approach to school discipline by using both school disciplinary measures and police involvement to address even the most trivial acts of student misconduct.

The dramatic rise in expulsions, suspensions, and referrals to law enforcement (through citations (tickets) and arrests) in DPS demonstrates that it is zealously cracking down on youthful behaviors. For example, between 2000 and 2004, DPS experienced a 71% increase in the number of student referrals to law enforcement. Most of these referrals were for non-violent, subjective behavior such as bullying and use of obscenities. Students of color are the target of these over zealous discipline practices. Black and Latino students are 70% more likely to be disciplined (suspended, expelled, or ticketed) than their White peers.

In Denver, school referrals to law enforcement typically result in a visit to juvenile court. These students are often placed on probation for up to a year or sent to a diversion program. Many parents, students and court officials believe that minor offenses should be resolved by the schools and not the juvenile court. The research shows that DPS's practice of shifting the responsibility of school discipline to school police and juvenile courts simply does not work, and more needs to be done to keep students in school and out of the juvenile justice system.

CHICAGO, ILLINOIS

Chicago Public Schools (CPS) has become infamous for its harsh zero tolerance policies. Although there is no verified positive impact on safety, these policies have resulted in tens-of-thousands of student suspensions and an increasing number of expulsions. The trend in Chicago has been difficult to document, largely because of the District's refusal to provide data to advocates. Where data has been published, it is often conflicting or inexplicable. However, even by its own numbers, CPS has aggressively ignited a schoolhouse to jailhouse track that is ravaging this generation of youth.

For example, in 2003 over 8,000 students were arrested in CPS. More than 40% of these arrests were for simple assaults or batteries which involve no serious injuries or weapons and are often nothing more than threats or minor fights.

Seventy-seven (77%) of the arrests were of Black students even though they constituted only 50% of the student enrollment.

Most of these cases are so minor that institutions beyond the schoolhouse doors dismiss them or send the youth involved to diversion programs. While it appears that the State's Attorney and Chicago's juvenile court system often spare youths from the devastation of the schoolhouse-to-jailhouse track by diverting most cases out of court, CPS is working at odds with the courts – aggressively suspending, expelling, and insisting on the arrest of youths regardless of fundamental principles of fairness and necessity.

PALM BEACH COUNTY, FLORIDA

In Advancement Project's initial report documenting the unrelenting criminalization of students, we noted the continuing problem of the overuse of suspensions and the rising number of arrests by Palm Beach County School District Police for minor conduct. Public defenders and Legal Aid attorneys provided accounts that demonstrated that all too often students in Palm Beach County were being thrown into the juvenile justice system for instances that should have been handled by schools.

In the almost two years since the release of the first report, the number of arrests has only slightly declined; complaints remain that too many youth are being arrested for petty acts that would never result in an arrest and prosecution in the real world. With 1,105 arrests of students in 2003, 64% of these arrests were Black youth, who account for only 29% of enrollment. Further, it appears that the Palm Beach County State's Attorney's office continues to go overboard in prosecuting harmless behavior – assisting in the needless criminalization of Palm Beach County youth.

In the final analysis:

Schools continue to be safe havens for America's children. Rare occurrences of serious school violence, however, have caused school districts around the country to grapple with the issue of

school safety. While many agree that schools should be safe and conducive to learning; the way to achieve these goals is very much in dispute.

Right now, schools are overreaching by inappropriately adopting law enforcement strategies that are leading students unnecessarily into the juvenile or criminal justice systems. Through zero tolerance school discipline policies, some schools seem to be opting to discard students who are perceived as troublemakers and who could potentially disrupt learning. These strategies are being employed without regard for teaching youths how to change behavior, using punishments that fit the conduct, or acknowledging adolescent development.

These issues are not easy. Of course, school safety is important, however, a delicate balancing act must be applied. Research has shown that prevention and intervention programs are the most effective methods for addressing school violence and creating a productive learning environment. It is also more cost effective than hurling students into the juvenile justice system. State and local policy makers must examine the effectiveness of their school discipline policies and programs and take steps toward reforming this failing system. Some initial solutions follow:

- School districts should limit suspensions, expulsions and arrests to conduct that pose a serious threat to safety.
- Schools should adopt clear and concise school discipline guidelines that provide students and parents with notice of potential disciplinary actions for specific offenses.
- School districts should establish discipline oversight committees to handle complaints about school discipline practices and review discipline and arrest statistics to ensure that discipline is meted out in a fair, nondiscriminatory manner.

- Schools should adopt and provide adequate resources for school violence prevention and intervention programs that have been assessed for effectiveness.
- Schools districts need funding resources to expand their staff of guidance counselors and social workers who should provide counseling and support to students experiencing behavior and academic problems.
- School police should receive special training on how to effectively interact with youths and children with disabilities.



INTRODUCTION

“Make ^(our High School) *more like a school and less like a prison. They have us on lockdown.”*

– Veronica, 11th grade Denver student

Across the United States many public schools have turned into feeder schools for the juvenile and criminal justice systems. Youths are finding themselves increasingly at risk of falling into the school-to-prison pipeline through push-outs (systematic exclusion through suspensions, expulsions, discouragement, and high-stakes testing).¹ Yet, an even more direct schoolhouse-to-jailhouse track is transferring a growing number of youths to the penal system. In the name of school safety, schools have implemented unforgiving, overly harsh zero-tolerance discipline practices that turn kids into criminals for acts that rarely constitute a crime when committed by an adult. No one is safe from zero tolerance—age, grade, past behavior, and disabilities are often irrelevant. And, although students of all races and genders are victims of this track, it is especially reserved for children of color—and males in particular. Schools have teamed up with law enforcement to make this happen by imposing a “double dose” of punishment: suspension or expulsion and a trip to the juvenile justice system.

At age 10, Porsche tragically became a passenger on the schoolhouse-to-jailhouse track. In December 2004, Porsche, a fourth-grade student at a Philadelphia, PA, elementary school, was yanked out of class, handcuffed, taken to the police station and held for eight hours for bringing a pair of 8-inch scissors to school. She had been using the scissors to work on a school project at home. School district officials acknowledged that the young girl was not using the scissors as a weapon or

threatening anyone with them, but scissors qualified as a potential weapon under state law.

“My daughter cried and cried,” said Rose Jackson, Porsche’s mother. “She had no idea what she did was wrong. I think that was way too harsh.” Ultimately, city police did not charge Porsche with a crime because she had no intent to use the scissors as a weapon. She was, however, suspended from school for five days.² School district officials later apologized, calling the school’s actions extreme: “We do not think it’s valid to call police officers off their beats to deal with nonthreatening incidents on a primary grade level. The school can handle these incidents using trained school police, our suspension and expulsion policies, and our mandated reporting as part of our zero tolerance policy.”³

To some, American children have become Public Enemy #1. Society is becoming convinced that children are more violent than ever. Heavy media coverage of the rare instances of school violence has played into the public’s worst fears and prompted a law-and-order approach to dealing with children. The truth is that between 1992 and 2002, nationwide violent crimes at schools against students aged 12 to 18 dropped by 50%, and schools remain the safest places for children.⁴ In addition, between 1994 and 2002, the youth arrest rate for violent crimes has declined 47% nationally.⁵

Even in the face of these positive trends, schools are taking drastic steps. Visible measures to prevent serious crime in schools include: school security officers, police officers, metal detectors, tasers, canine dogs, drug sweeps, SWAT teams, biometric hand readers, and surveillance cameras.

The untold story is the way in which schools are turning harmless acts of youthful indiscretion into crimes. In many instances zero tolerance policies have become ludicrous, and, even worse, are destroying thousands of children's lives by sending them into the juvenile justice system. Of course, we must have safety in our schools; however, a delicate balancing act must be applied. Schools must take a thoughtful approach to discipline to ensure that young men and women are not robbed of opportunities to succeed.

This report is intended to ignite a dialogue about the negative side effects of law enforcement approaches to typical student misbehavior and to encourage efforts toward reform. We focus on three sites where the schoolhouse-to-jailhouse track is in full operation and where communities have begun to realize its adverse impact on students. Hopefully, the information provided will move educators, students, parents, and activists to eliminate the negative trends and to create caring learning environments where this track is non-existent.

Long-Lasting Effects

Zero tolerance has engendered a number of problems: denial of education through increased suspension and expulsion rates, referrals to inadequate alternative schools, lower test scores,⁶ higher dropout rates,⁷ and racial profiling of students. Also, according to the Center for Evaluation and Education Policy at Indiana University:

"Schools with higher rates of suspension have been reported to have higher student-teacher ratios and a lower level of academic quality, spend more time on discipline-related matters, pay significantly less attention to issues of school climate, and have less satisfactory school governance."⁸

The criminalization of children by their schools leaves additional scars. These students face the emotional trauma, embarrassment, and stigma of being handcuffed and taken away from school—often shackled with an ankle-monitoring device.

They must then serve time on probation with no slip-ups. One class missed or one failing grade and the next step may be a juvenile detention facility. Once many of these youths are in "the system," they never get back on the academic track. Sometimes, schools refuse to readmit them;⁹ and even if these students do return to school, they are often labeled and targeted for close monitoring by school staff and police. Consequently, many become demoralized, drop out, and fall deeper and deeper into the juvenile or criminal justice systems. Those who do not drop out may find that their discipline and juvenile or criminal records haunt them when they apply to college or for a scholarship or government grant, or try to enlist in the military or find employment. In some places, a criminal record may prevent them or their families from residing in publicly subsidized housing.¹⁰ In this era of zero tolerance, the consequences of child or adolescent behaviors may long outlive students' teenage years.

In 2003, Advancement Project released its first comprehensive report on the criminalization of youths by their schools for minor conduct. *Derailed: The Schoolhouse to Jailhouse Track* detailed the growing expanse of zero tolerance policies and practices and the shift of school discipline for trivial incidents from principals' offices to police stations and courtrooms.

Since the publication of *Derailed*, a scan of news headlines reveals that the schoolhouse to jailhouse track is picking up steam. Some cases were so absurd, law enforcement or courts refused to deal with them. For example:

- **Monticello, FL** – A 7-year-old, African-American boy who has Attention Deficit Disorder was arrested and hauled off to the county jail for hitting a classmate, a teacher, and a principal and scratching a school resource officer. The 4 foot, 6 inch, 60-pound second grader was fingerprinted and eventually cried himself to sleep in his jail cell.¹¹

- **Wilmington, NC** - A high school student was criminally charged by a sheriff's deputy for cursing in front of a teacher. Four months after the student went to court, facing the possibility of up to 30 days in jail, prosecutors dropped the charges.¹²
- **Bridgeport, CT** - A high school student was arrested and charged with second degree breach of peace for a shouting argument with his girlfriend.¹³ Bridgeport students and parents protested the over-reliance on law enforcement in schools after 140 students were arrested during the first six weeks of the school year.¹⁴
- **Craig, CO** - A 12-year-old student was charged with disorderly conduct for a shoving match with his classmate.¹⁵
- **Port St. Lucie, FL** - A 14-year old girl was arrested and charged with battery for pouring a carton of chocolate milk on the head of a classmate. The girl explained that she heard that the victim was "talking about her." Local police stated that they believed "the quickest way to resolve it was to charge her."¹⁶
- **Louisville, KY** - An 8-year-old elementary school student was charged with felony assault when he hit and kicked his teacher as she attempted to remove him from the classroom for misbehaving. The juvenile court judge dismissed the charges.¹⁷
- How zero tolerance, a policy originally designed to address the most serious misconduct, morphed into a "take no prisoners" approach to school discipline issues and created a direct track into the juvenile and criminal justice systems;
- The expanding role of law enforcement measures in schools;
- The disparate impact of these practices on students of color and those with disabilities and;
- How the schoolhouse to jailhouse track is unfolding in Denver, Chicago, and Palm Beach County.

This report concludes that schools have turned to law enforcement to assist in school disciplinary matters. In many instances the conduct at issue is so petty, law enforcement agencies and courts have refused to pursue the charges that schools have initiated, which has had costly financial and human consequences. Ultimately, communities, parents, and students must hold school and law enforcement officials accountable for these actions, and urge them to create programs and practices that will teach appropriate behavior and not merely punish misbehavior.

Furthermore, schools must work toward creating environments that are safe and conducive to learning, but also where no youth is discarded or pushed out. Zero tolerance and the criminal treatment of students must not undermine the trust students place in their schools or cut off the bright futures of thousands of youths while adding nothing to the creation of safer learning environments.

These examples underscore the need to further examine the roles that schools and law enforcement play in needlessly criminalizing students and the consequences of that criminalization.

Education on Lockdown: The Schoolhouse to Jailhouse Track, will dissect this track by examining:



ZEROING IN ON ZERO TOLERANCE

How Did We Get Here?

Zero tolerance, a term taken from the war on drugs (where law enforcement agencies swiftly and harshly responded to drug offenders), was initiated in school districts during a juvenile crime wave in the late 1980s.¹⁸ Congress acted, passing the Gun-Free Schools Act of 1994, which required states to enact laws mandating the expulsion of students found on school property with firearms. Most states and school districts reacted by going above and beyond the federal mandate, passing laws and policies that required expulsion or suspension for the possession of all weapons, drugs and other serious violations committed on or off school grounds.

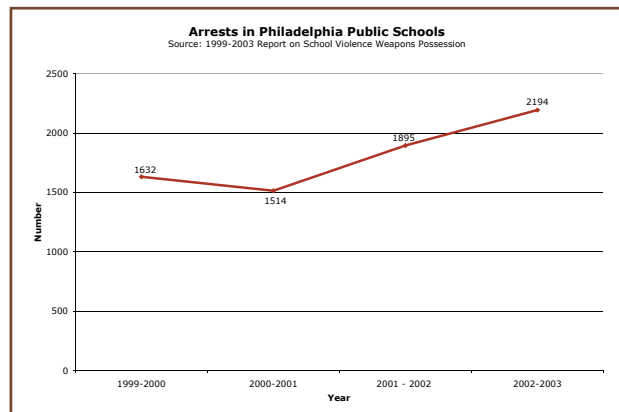
While zero tolerance once required suspension or expulsion for a specified list of serious offenses, it is now an overarching approach toward discipline for potential weapons, imaginary weapons, perceived weapons, a smart mouth, headache medicine, tardiness, and spitballs. Punishment through exclusion from the classroom has become the rapid-response to every act of misconduct or perceived misconduct. From 1974 to 2000, the number of students suspended out-of-school increased from 1.7 million to 3.1 million.¹⁹ Research conducted over the past five years has detailed the growing use of suspensions for trivial conduct, much of which is subjectively labeled “disrespect,” “disobedience,” and “disruption.”²⁰

In recent years, traditional school punishments have been supplemented by criminal penalties. Even harmless acts are now subject to citations (tickets) or arrests and referrals to juvenile or criminal courts. In fact, in many instances the charges (e.g., “terroristic threatening” for playing cops and robbers, or assault for throwing a snowball) would never constitute a crime if an adult were involved. Schools have unreasonably raised the stakes for certain adolescent behaviors.

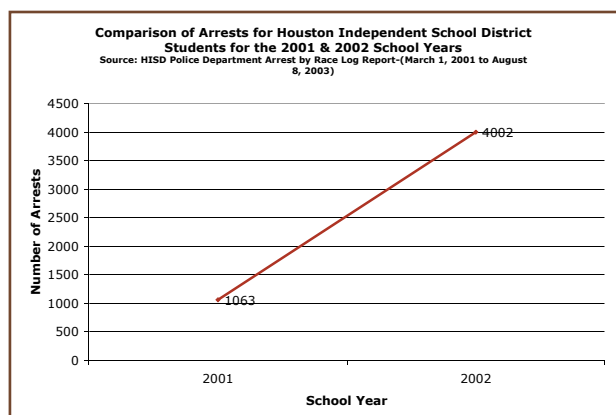
“You may end up on Forth and Walton Way (at jail), picking up your child if your child can’t behave. “

—Dr. C. Lake, Superintendent, Richmond County, GA (discussion with parents about a rise in middle school fights)²¹

While national data is not available, data from various districts, including those that are the focus of this report, indicate the growing trend toward using arrests to address school disciplinary matters.²² For example, the number of arrests in Philadelphia County schools has increased from 1,632 during the 1999–2000 school year to 2,194 in 2002–2003.



Houston Independent School District also experienced a rise in school-based arrest. A large number of the arrests in Houston were for minor offenses. For example, in 2002, of the 4,002 arrests of youths by Houston Independent School District Police, 660, or almost 17%, were for disruption (disruptive activities, disruption of classes, and disruption of transportation). Another 1,041 arrests, or 26%, were for disorderly conduct.



Teachers and school officials contend that the reasons for this strict treatment of students include:

- Averting tragedy by cracking down on minor conduct before it becomes serious²³
- Deterring misconduct by providing youths a “wake-up call”
- Limiting legal liability by treating all misbehavior as serious
- Shifting youths into the juvenile justice system to give them the help that schools will not or cannot provide
- Creating an environment conducive to learning by removing children who do not want to learn

Advocates, parents, and youths believe that this overly harsh treatment of youths is due to:

- Pushing out allegedly low-performing youths in an era of high-stakes testing, and
- Perpetuating the structural racism that has resulted in the over-criminalization and incarceration of people of color and that is victimizing younger and younger people of color.

Ultimately, there is no evidence that zero tolerance measures alone are effective in changing misbehavior or preventing violence.²⁴ The high rate of recidivism of suspended youths indicates that out-of-school suspension is an ineffective deterrent and, in fact, for some students it acts as a reinforcer.²⁵ Further, although the purpose of out-of-school suspensions and expulsions is to teach students a lesson about misbehavior, many students view

these punishments as being based more on the reputation of students than on their behavior and thus unfairly target certain groups of students—e.g., students of color.²⁶ Similarly, the use of criminal penalties for minor conduct not only engenders a sense of unfair treatment, it also adversely impacts students’ self-perceptions.²⁷ These devastating consequences of zero tolerance and the schoolhouse to jailhouse track clearly dictate that these practices should be used only as a last resort.

Law Enforcement Goes to School

The morning of November 5, 2003, seemed like a typical school day at Stratford High School in Goose Creek, South Carolina. Students mingled in the crowded hallways as they prepared for their next class. Then a police SWAT team entered the school. With guns drawn, the SWAT team with dogs stormed the hallways, screaming at the teens, shoving them to the ground, and holding some of them down with guns pointed at their heads. Students who did not respond in a split second to the orders barked at them were handcuffed.

“When I saw that man with a gun in my face, I wasn’t even sure he was a police officer because he did not have a full uniform on. I thought there was a terrorist attack or something. But when I tried to run, another police officer put a gun in my face.”
—Carl Alexander, 15-year-old student²⁸

“They hit that school like it was a crack house, like they knew there were crack dealers in there with guns,” stated Elijah Simpson, parent of a 14-year-old student caught in the raid and a deputy sheriff and SWAT team member. “A school drug raid is not a SWAT team situation....” Simpson’s son was held at gunpoint and detained on his knees facing the wall during the raid.²⁹

The horrifying raid at Stratford High School has left an indelible mark on the minds of the students whose rights and self-esteem were attacked that day, but it also left an imprint on the minds of many Americans who saw the videotape of the raid on television. Innocent youths treated like hardened criminals in the one place that is supposed to be safe, secure, and sheltered from the problems of the streets—their school. The school allegedly requested law enforcement assistance to address a suspected drug problem. Law enforcement excused its commando-style raid by stating that where drugs are found, weapons are also typically found. The raid turned up no drugs and no weapons at Stratford High School.

This is the new face of school safety. In an attempt to improve safety, schools have beefed up security measures to include: police officers, cameras, metal detectors, tasers,³⁰ canine units, and biometric hand readers.³¹ While these measures produce a perception of safety, there is no evidence that they create safer learning environments or change detrimental behaviors. There is, however, evidence that these tactics unnecessarily thrust more youths into an unforgiving penal system.

There is much debate about how to improve school safety. Many districts have taken the easiest route—increase the number of police patrolling hallways and give them a greater role in disciplinary matters.

- In New York City, for example, Mayor Bloomberg created a special team of the New York Police Department to target 17 “Impact Schools,” which were so designated because of their incidents of crime. An additional 150 police officers were detailed to these “troubled” schools.³² This increased police presence has created controversy. Most recently, a Bronx high school principal was charged with second degree assault and obstructing governmental procedure when he attempted to stop a police officer from arresting a student who the officer was

attempting to ticket for disorderly conduct. The principal of Bronx Guild High School had previously complained that the heavy police presence at the school has increased hostility between students and staff.³³

- In Washington, D.C., elected officials also reacted quickly to calls for enhanced safety by increasing police presence in schools. In response to several fights and a tragic murder at a D.C. public high school, and apparently without consulting school officials, Mayor Williams announced a plan to have the Metropolitan Police Department take control of school security. Although many education officials were concerned about this move, politics in response to bad public relations ruled the day.³⁴

Police are integrated into schools in various ways. In some districts, local police departments assign officers to schools to perform specific duties pursuant to an agreement (or Memorandum of Understanding) with the school district. In other places, like Houston, Los Angeles, Baltimore, Miami, and Palm Beach County, school districts have their own police departments, with all the powers of local police but with jurisdiction limited to school grounds. In addition to police officers, schools often employ their own security officers or subcontract with a security firm.

The use of police and security devices is costly, although the federal government has provided funding assistance to many districts. In 2004, the U.S. Department of Justice, Office of Community Oriented Policing Services, gave \$60 million to school districts and police departments to hire police officers, also referred to as School Resource Officers (SROs).³⁵ An additional \$19.5 million was awarded for school safety resources and technology through the Safe Schools Initiative Program.³⁶

Whether these measures enhance school safety remains undetermined; however, what is clear is that there are detrimental outcomes associated with the presence of law enforcement in educational environments.

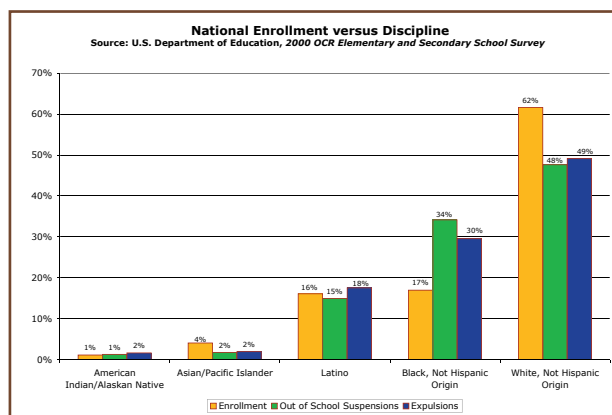
First, officers are often not trained to be in the hallways of elementary and secondary schools and thus may overreact to student behavior. For example, police reports relating to school incidents in Chicago show that most often the weapons used by youths charged with aggravated assault are “hands and feet,” which typically would not constitute deadly weapons if used by young children. Furthermore, in many school districts, a large number of tickets and arrests are for “disorderly conduct,” “detrimental behavior,” or “disruption.” Second, racial profiling by law enforcement, which has been well documented in many cities, may be used in schools as well. For example, in New York City, advocates have raised concerns about the growing presence in schools of police officers who belong to a department that has an infamous history of excessive use of force against people of color.

Whether the presence of law enforcement in public schools is effective in creating safe schools is yet to be determined. Ultimately, every community (students, parents, and school officials) should make such determinations. But before police are injected into educational environments, the entire school community must determine what role the police should play in the hallways of our schools.

Racial Profiling

The existence of structural racism in our schools is nothing new. The very premise of the 1954 *Brown v. Board of Education* decision is that race is a determining factor in who receives quality education in the United States. Fifty years later, education policy and practice continue to single out students of color for disparate treatment.

Racial disparities in school discipline have been documented for more than thirty years. In 1975, the Children’s Defense Fund found that national suspension rates for Black students were two to three times higher than suspension rates for White students.³⁷ This pattern still holds true. In 2000, Blacks were 17% of public school enrollment nationwide and 34% of suspensions.³⁸



With the increased referrals of these disciplinary issues to the juvenile justice system, students of color are more likely to be on the schoolhouse-to-jailhouse track than their White peers.³⁹ Although national school-based arrest data is not available, evidence from each of the districts examined in this report, as well as previous research, reveals these disparities.⁴⁰

In fact, this pattern is true beyond the schoolhouse doors. The racial disparities of this track mirror the disparities in the juvenile and criminal justice systems—signifying that the track is merely a continuum of the over-criminalization of people of color. For example, in 2002, Black youths made up 16% of the juvenile population but were 43% of juvenile arrests, while White youths were 78% of the juvenile population but 55% of juvenile arrests.⁴¹ Further, in 1999, minority youths accounted for 34% of the U.S. juvenile population but 62% of the youths in juvenile facilities.⁴² Because higher rates of suspensions and expulsions are likely to lead to higher rates of juvenile incarceration,⁴³ it is not surprising that Black and Latino youths are disproportionately represented among young people held in juvenile prisons.

Researchers conclude that racial disparities cannot be accounted for by the socioeconomic status of minority students. Nor is there any evidence that minority students misbehave more than their White peers.⁴⁴ Race does, however, correlate with the severity of the punishment imposed, with students of color receiving harsher punishments for less severe behavior.

Furthermore, research pertaining to the treatment of minorities in the juvenile justice and criminal justice systems indicates that racially biased decision making occurs at every step of those processes.⁴⁵ Thus, it is more likely that disparities in the schoolhouse-to-jailhouse track are due to racism, individual and/or structural. These disparities ultimately exacerbate racial inequities in education.



A TALE OF THREE SCHOOL DISTRICTS: Denver, Chicago, Palm Beach County





“Kids shouldn’t go to court, especially the young ones. They [schools] shouldn’t give tickets for minor things . . .”
-Thalia, Denver public school student

DENVER, COLORADO

Denver Public Schools Facts and Figures (2003-04)	
Total Student Enrollment	72,489
Student Demographics:	
American Indian	1.2%
Black	18.9%
Asian	3.1%
Latino	57.0%
White	19.7%
Percentage of students from low-income families (receive reduced-priced or free lunch)	63%
Number of Schools	148
Source: Denver Public Schools, 2003-2004 Facts & Figures, www.dpsk12.org/aboutdps (last visited Feb. 9, 2005)	

The Problem

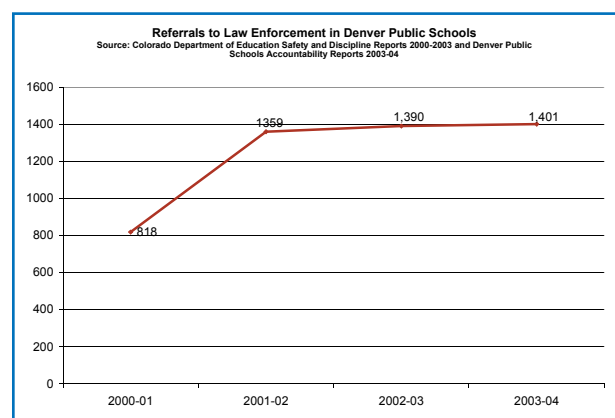
Like most school districts across the country, Denver Public Schools (DPS) has drawn a line in the sand and is taking a zero tolerance approach to school discipline by using both school disciplinary measures and police involvement to address even the most trivial acts of student misconduct. Although public discussions about the need for a zero tolerance approach to school discipline in Colorado typically begin with the 1999 shooting incident at Columbine High School, the State adopted zero tolerance years before. In 1993, the state legislature mandated the expulsion of students who are found with dangerous weapons or drugs or who commit a robbery or serious assault in school.⁴⁶ But DPS policies have gone far beyond disciplining students for those serious offenses.

The dramatic rise in expulsions and suspensions in Denver Public Schools demonstrate that DPS is zealously cracking down on youthful behaviors. The number of expulsions meted out by DPS rose from 116 in the 2000–2001 school year to 146 in 2003–2004.⁴⁷ More than half of the expulsions during the 2003–2004 school year (53%)⁴⁸ were for subjective, non-violent acts such as disobedience, detrimental behavior (e.g., threats of physical harm), and “other violations of code of conduct” (e.g., bullying).

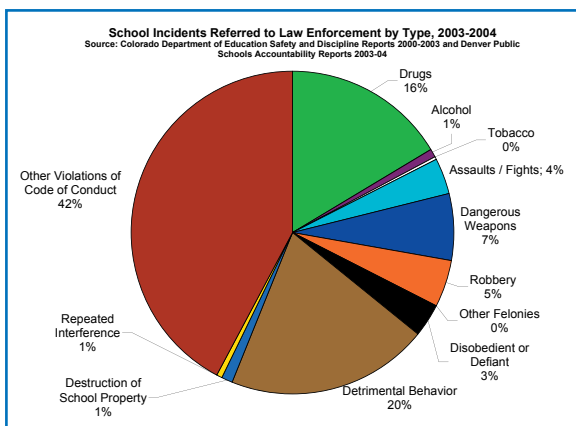
Also, over the past four years the number of out-of-school suspensions in Denver’s public schools has increased from 9,846 in the 2000–2001 school year to 13,423 in 2003–2004.⁴⁹ Like expulsions, the data indicates that students are being pushed out of school for subjective, non-violent offenses – 86% in the 2003–2004 school year⁵⁰

“How can you discipline students and teach them a lesson if you kick them out of school—give them a vacation?”
– 12th grade Denver student

The zero tolerance approach in Denver does not, however, stop at school expulsions and suspensions. Students are also being referred to law enforcement at increasing rates. These referrals, through tickets and/or arrests, grew by 71% between 2000 and 2004,⁵¹ even though the DPS student population grew by only 2% during that same time period. During the 2003–2004 school year the number of referrals to law enforcement swelled to 1,401.



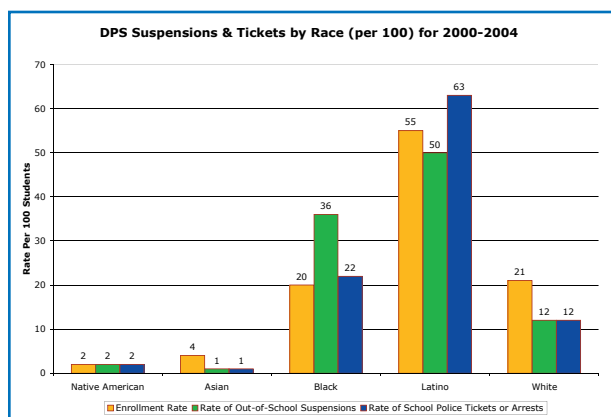
Contrary to what one may expect, the increasing criminalization of Denver students has nothing to do with a rise in dangerous crime. Most students referred to law enforcement in Denver are not perpetrators of serious crimes; instead, their acts are so minor it is difficult to characterize them.



For example, the most widely reported offense (42%) that led to referrals during the 2003–2004 school year was “other violations of code of conduct,” which includes being a member of an “unauthorized organization,” destruction of non-school property, use of obscenities, disruptive appearance, use of slurs, bullying, and minor fights.⁵² Another 20% of the referrals were for “detrimental behavior,” defined as behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children.⁵³ More serious conduct, such as carrying dangerous weapons and drug violations, accounted for only 7% and 17%, respectively, of referrals to police.

Race Matters

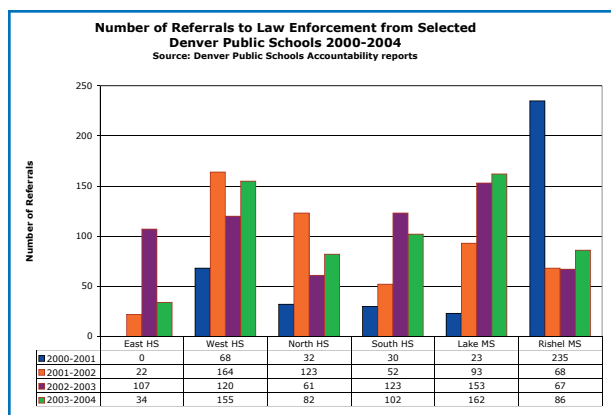
Denver’s harsh disciplinary practices fall more heavily on youths of color. Racial disparities in Denver’s disciplinary practices exist in both suspensions and referrals to law enforcement. Students of color in Denver public schools are 70% more likely to be disciplined (suspended, expelled, or ticketed) than their White peers.⁵⁴ Black students are three times more likely to receive out-of-school suspensions than White students, while Latino students are four times more likely to receive out-of-school suspensions than White students.



The pattern of racial disparity in discipline continues with tickets, but Latino students have replaced Black students as the most targeted group: in the 2003–2004 school year, Black students in DPS were given tickets at twice the rate of White students, while Latino students were given tickets at seven times the rate of their White peers.⁵⁵

Dissecting the Cause

The schoolhouse-to-jailhouse track was closely examined at six Denver public schools—East, West, North, and South High Schools, as well as Lake and Rishel Middle Schools—which were the only schools that reported 100 or more student referrals to law enforcement for one or more years during 2000–2004. In addition to studying the data, interviews of school personnel, juvenile court judges, lawyers, and surveys of students were conducted.



The track in Denver is fueled by the fact that the district-wide school discipline policy is lengthy, cumbersome, and ambiguous; also, enforcement of the district policy varies from school to school. As a result, there are misunderstandings and confusion. For example, a student may be disciplined if she “interferes with a school’s ability to provide education opportunities to other students,” or has a “personal appearance or lack of hygiene that is disruptive.”⁵⁶ To make matters worse, there is nothing in the DPS district-wide school discipline policy warning that particular conduct is subject to arrest or tickets, but such a warning does exist in some school codes of conduct. Consequently, students and parents are often caught off guard when students receive tickets for conduct that occurred in school.

The Role of Police

DPS uses both school district security and officers from the Denver Police Department on its campuses. Each high school has at least three security officers and one police officer; middle schools have at least one security guard, but only some have a police officer; elementary schools are patrolled by a mobile unit of security guards.⁵⁷

With an annual budget of approximately \$1.2 million,⁵⁸ the security force of DPS is charged with maintaining security, managing conflict, and “mak[ing] sure that people who belong in schools are there and people who do not belong are removed. They do not do discipline.”⁵⁹

DPS also receives law enforcement assistance from the Denver Police Department. In 2004, DPS paid the Denver Police Department \$152,000 for 14 school resource officers.⁶⁰ Police officers are supposed to maintain a limited role in school matters. In fact, the contract between DPS and the Police Department specifies that school police will only intervene in student conduct issues that may be considered a crime, not a violation of school rules or policies. However, this is far from what is occurring—

school police frequently issue tickets and court summonses for student behavior that should have been handled by schools and parents.

Interviews reveal that police are regularly involved in DPS disciplinary matters. For example, in 2000–2001 at Rishel Middle School, whose 235 referrals to law enforcement dwarfed all other schools in Denver, police re-enforced the school administration’s strict disciplinary philosophy. Sandra Just, principal at Rishel, who began her tenure during the 2000–2001 school year, explained that police were called to send the message to students that the school “meant business” and that their actions had consequences.⁶¹ In due time, Just discovered that the referrals were an ineffective deterrent to inappropriate conduct because students started to believe that the tickets were “no big deal.” The next year, Just changed her approach and referrals dropped to 68. Just now encourages school staff to develop individualized solutions to disciplinary problems and utilizes in-school programs, such as peer mediation, to resolve behavior problems.⁶²

At East High School, tickets are also sometimes used for discipline reinforcement. Principal Kathy Callum applies a “double indemnity” philosophy. For example, according to Callum, students involved in a fight are typically suspended and ticketed. She believes that suspensions provide a cooling off period and tickets demonstrate to students that there are consequences to actions. Officer Dudley, who has been at East since 1998, agrees that in some cases the “double” punishment approach is needed, but very often simply talking to students is an effective way to address behavior problems.⁶³ Officer Dudley believes that his role is two-fold: 1) to make sure that laws are enforced and 2) to “break down the walls that prevent communication between youths and police.”⁶⁴ In the final analysis, East High School’s referrals have declined. According to Callum, “There’s no magic formula, you just need to care about the kids.”⁶⁵

There is much disagreement about the proper role of police in Denver schools. Some school administrators believe that having both a security force and school police presence is a viable option if school police are assigned to schools for educational purposes as well as law enforcement.⁶⁶ However, many students complain that the presence of both security and school police officers makes schools “feel like prisons” and that the presence increases hostility because some officers do not respect students.⁶⁷ Parents also raise concerns that youths of color are targeted for extreme measures.



Remington Simms (student) and Myron Simms (father)

Ticket issued for incident in middle school:

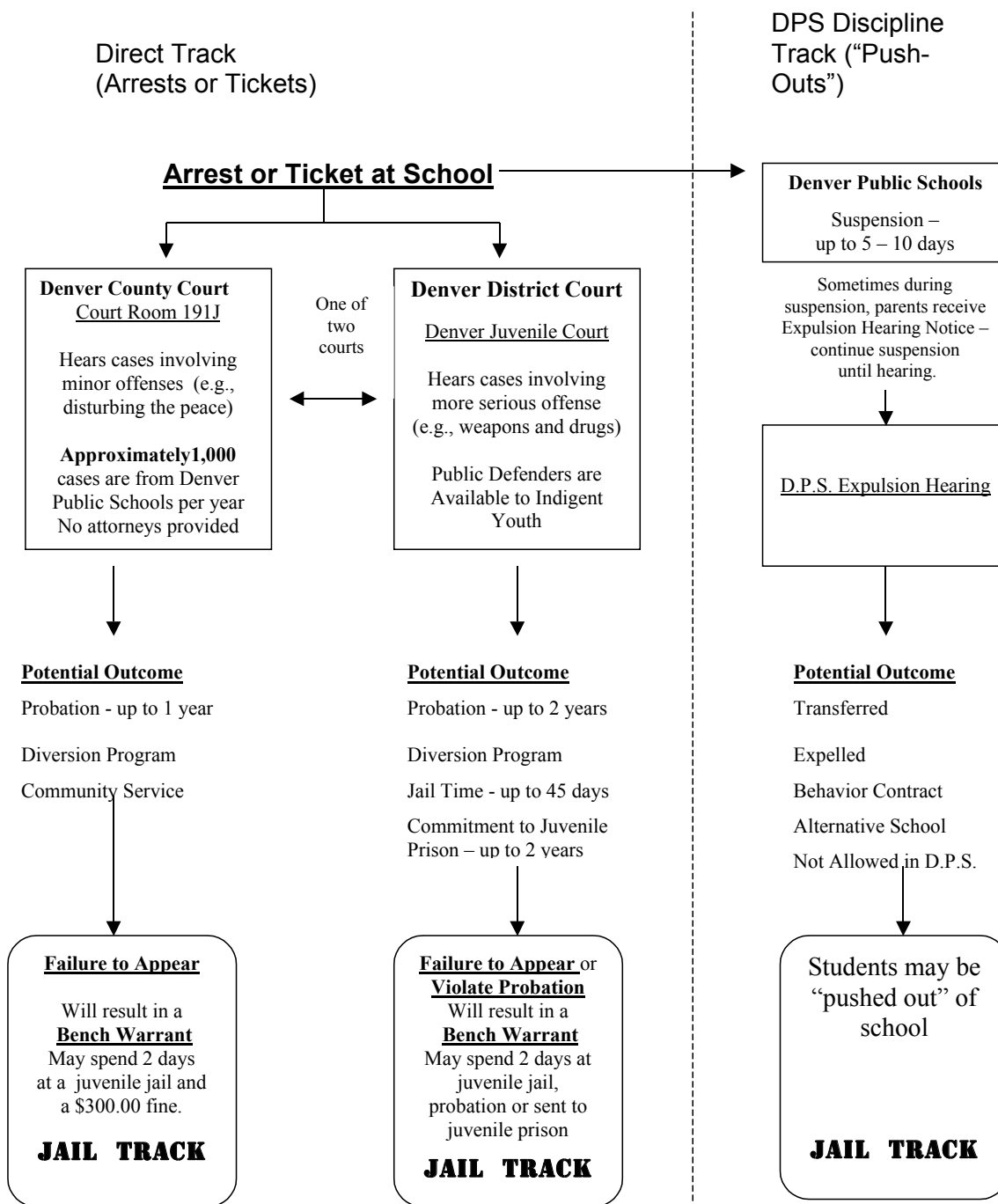
“In the eighth grade, a boy pulled up my skirt at school in front of everyone during lunch. I punched him and we started to fight. The security guard came and broke up the fight and we went to the student advisor’s office. The advisor talked to us about what had happened and called the cops,” said Remington. Remington was charged with assault and disturbing the peace.”

“They called me after she got the ticket,” recalls Mr. Simms. “School administrators should not abuse their power – and they don’t have to go over board. Just sit down with the students, parents, and teachers to solve it there [in the school]. You don’t have to be friends, but you can fix it without . . . [going to court]” said Remington.

The Denver Route

Denver's Schoolhouse-to-Jailhouse Track has two routes: one is through referrals to law enforcement from school, and the other is through school exclusionary practices (suspensions, expulsions, and dropouts) that may lead to the same destination: the juvenile justice system.

DENVER SCHOOLHOUSE-TO-JAILHOUSE TRACK



School exclusionary practices leave youths on the streets, often with no supervision and deprived of opportunities to further their development. As described by Gerald Whitman, Denver Chief of Police: “From the outside looking in [students] become a problem to police when they are expelled” from school and are picked up by police after committing minor offenses on city streets.⁶⁸ This sentiment is echoed by Patrick Hedrick, program director of the Safe City Diversion Program, who noted that most tickets given to youths on the streets have been issued during school hours to students who have been suspended or expelled.⁶⁹

For some students, the brush with law enforcement occurs inside the schoolhouse. In Denver public schools, students who are ticketed or arrested are sent to Denver County Court—Juvenile Division (also known as Courtroom 191J) for offenses such as trespassing or minor fights. For more serious offenses, such as weapons possession or assault, youths are sent to Denver Juvenile Court.

Denver County Court - Courtroom 191J

Typically, students in 191J have been charged with “unlawful acts in or around schools” (defined as behavior that prevents the “orderly conduct of the activities, administration or classes of any school . . .”).⁷⁰ Students may either plead guilty or not guilty, or request that the prosecutor amend or dismiss the charges.⁷¹ First-time offenders, students involved in minor incidents, and, in rare cases, second-time offenders, may be referred to the Denver Safe City Diversion Program, which typically involves community service and counseling.⁷² Those who plead guilty are usually placed on probation for up to one year with conditions. Any unexcused absences, suspensions, or poor grades can lead these students back to court on a violation of probation.



**Issued a ticket
in school for
fighting one of
his classmates**

Aaron, 11th grader

“[My classmate] just harassed me and picked on me and started problems. I knew him. He used to be my friend,” explained Aaron. “[The day of the fight] I was in the hallway with my friends and he came up and started pushing and shoving me. He hit me first and I hit him back. He went to tell the officer who works at [my school].

The officer did not want to hear anything I had to say. He gave me a ticket. The assistant principal suspended me after the police officer told her that [my classmate] pressed charges. I was charged with assault and unlawful acts around school grounds.”

Although this was Aaron’s first time in trouble, he was required to appear in Courtroom 191J where he was found guilty of the charges and ordered to complete two months of anger management and two days of community service. Aaron believes he should not have been sent to court for fighting in school. “It’s not right. It’s messed up.”

Most cases in Courtroom 191J are dismissed upon completion of a diversion program. In 2004, 863 cases involving unlawful acts in or around schools were filed in Courtroom 191J; of these, 68% were dismissed—many as a result of successful completion of a diversion program.⁷³ However, the effects may remain. These youths will have a “record” unless they formally request to have it expunged (removed) from the court files, which can be done one year after the successful completion of a diversion program.⁷⁴

Cases Involving Unlawful Acts Around Schools Filed in Denver County Court – Courtroom 191J (Source: Denver County Court General Sessions)			
Year	Number of Cases Filed	Number of Cases Dismissed	Percentage of Cases Dismissed
2001	811	476	59%
2002	1,156	606	52%
2003	1,042	365	35 %
2004	863	586	68 %

This high rate of dismissal indicates what many students, lawyers, and court administrators have argued; that is, a majority of the cases in 191J should never go to court, including cases involving trespass on school property and public fighting. For example, many of the trespass cases involve suspended students who return to school to retrieve something.⁷⁵ The following story illustrates this point:

Michael, an 11th grader, and his friends learned they were going to be “jumped.” “We told the two deans that these guys were going to come looking for trouble,” Michael explained. The deans said, “We’ll watch for it—we’ll keep our eyes open.”

Despite the dean’s assurances, the fight occurred and the school suspended Michael and his friends. “They told us we were participating in gang activity . . . They suspended us.” During his suspension, Michael returned to school to pick up his younger sister and was given a ticket for trespassing on school grounds. “No one was able to pick up my sister. We live outside of the school bus [route]. I went to pick her up. The security officer saw me.

He called the dean and told the dean to come over. The dean called the principal and said, ‘We have Michael ... out here. Should we give him a warning or a ticket?’ There was no pause. [The principal] said to give him a ticket.”

Another disturbing aspect of Courtroom 191J is that most poor youths and parents appear in court without an attorney because public defenders are not available to them. Court officials claim that municipal code violations, including those in 191J, are not entitled to a public defender because the offenders are “not facing jail time.” However, for some students jail may be a consequence. Students who fail to appear in court on the date and time stated on the ticket or who fail to comply with the court’s order may find themselves in juvenile prison.⁷⁶ Unfortunately, students may be especially vulnerable to the risk of a warrant because they may not understand that they must appear in court and may be too scared or embarrassed to tell their parents or guardians that they were ticketed. In fact, of the 1,042 cases filed in Courtroom 191J in 2003, about 31% involved students who failed to appear in court or failed to comply with the court’s order.⁷⁷ In light of this potentially detrimental risk that youths face, free legal representation should be provided for poor youths in Courtroom 191J.

Denver Juvenile Court

| “Sending kids to court for fighting is not the answer.”

| -Vivian Burgos, Juvenile Attorney

More serious incidents, such as assault or weapons possession, are referred to Denver Juvenile Court, where the student may be sentenced to time in a juvenile detention facility. While the actual number of school cases filed in this court is unknown because the court does not maintain this data, interviews with judges, lawyers, and court administrators suggest that hundreds of school cases are heard in Denver Juvenile Court each year. Most of these school-related cases result in only probation for up to two years.

Lawyers and court officials agree that most school cases do not deserve the attention of Denver Juvenile Court. Karen Ashby, presiding judge for Denver Juvenile Court, reports that the typical school cases involve possession of weapons, destruction of property (e.g., graffiti), and assaults.⁷⁸ Many of the assault cases are third degree assault—the lowest level of assault that may be dealt with in her court. She complains that she has even heard cases involving minor “pushing matches,” and that such cases should be handled by the school and parents. Lawyers who represent students in juvenile court agree. Vivian Burgos, an attorney who has defended youths for more than eight years, believes that “sending kids to court for fighting is not the answer” and that many of the weapons cases should also be handled at the school level.⁷⁹ As an example, Burgos cites a case she handled involving a student charged with possession of a weapon—a butter knife, which the student used to lock and unlock his house.

DPS has adopted a “double jeopardy” approach to school discipline, which has pushed students out of schools, through suspensions and expulsions, and pushed them into juvenile courts, through tickets and arrests, sometimes for one act of childish behavior that would have warranted nothing more than in-school detention or a reprimand only 15 years ago. There is no question that schools should be safe so that students can learn, but the overly zealous use of zero tolerance and school police is not the answer.

Our research has shown that in Denver, the practice of shifting the responsibility of student discipline to local law enforcement and juvenile courts simply does not work. While police presence in schools has been a breath of fresh air for some parents and school administrators, it has become a menace to many Latino and Black students who are disproportionately the target of tickets and arrests. The majority of students who appear in court for minor school indiscretions are sent by frustrated judges and attorneys to diversion programs where they perform a few hours of community service and are told to “sin no more.” Surely, school administrators could have done the same.

“There are other ways to do things . . . Don’t just send them [students] home. Don’t call the police, don’t call the courts, keep them in school.”

-Timothy Turley, Program Manager for DPS Prevention and Intervention Services

When asked what changes should be made to reduce the number of students being disciplined for minor acts of misconduct, school administrators, court officials, parents, and students have consistently stated that more in-school programs and counseling are needed to create a positive learning environment where students feel that they are being respected and treated fairly, and where teachers can do more teaching and less punishing. While DPS has begun offering several prevention and intervention programs, such as bullying prevention and restorative justice, school administrators have complained that these programs are being used at only a few schools because of limited financial and human resources. More needs to be done to keep Denver students in schools and out of the juvenile justice system.

CHICAGO, ILLINOIS

Chicago Public Schools Facts and Figures (2003-04)	
Total Student Enrollment	434,419
Student Demographics:	
Native American	0.2%
African-American	50.3%
Asian/Pacific Islander	3.2%
Latino	37.2%
White	9.1%
Percentage of students from low-income families (receive reduced-priced or free lunch)	84.9%
Number of Schools	613
Source: Chicago Public Schools, At a Glance, www.cps.k12.il.us/AtAGlance.html (last visited Feb. 9, 2005)	

The Problem

Chicago Public Schools (CPS) has become infamous for its harsh zero tolerance policies. Although there is no verified positive impact on safety, these policies have resulted in tens of thousands of student suspensions and an exorbitant number of expulsions. The trend in Chicago has been difficult to document, largely because of the school district's refusal to provide data to advocates.⁸⁰ Where data has been published, it is often conflicting or inexplicable. However, even by its own numbers, CPS has aggressively ignited a schoolhouse-to-jailhouse track that is ravaging this generation of youths. CPS's failure to provide reliable school discipline data, however, gives rise to concern that the impact of this track may be even more alarming than it appears.

LACK OF RELIABLE DATA

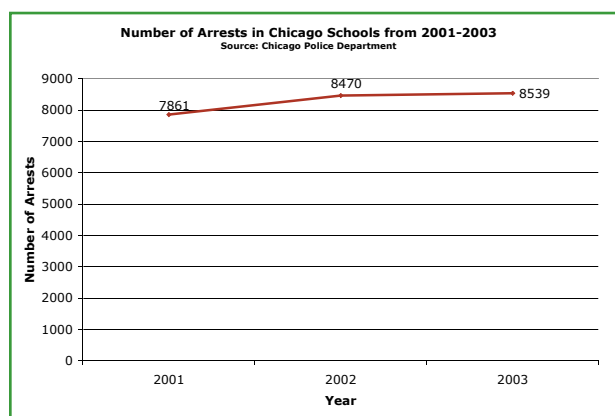
CPS has a record of failing to provide data, and thus accountability, to the public on school discipline issues. For example, in a recent issue of *Catalyst-Chicago*, it was noted that parents on the South and West sides have had difficulties obtaining suspension and expulsion data.⁸¹ In fact, *Catalyst-Chicago's* request for similar data under the Freedom of Information Act was denied.⁸²

In 1995, the State of Illinois mandated that school districts ensure safe schools by imposing a minimum one-year expulsion for any student in possession of a weapon on school grounds.⁸³ CPS's zero tolerance policies go way beyond state requirements to include a list of 11 mandatory expulsion offenses (e.g., robbery or arson), 9 offenses for which students may be arrested (e.g., fights between two or more people), and 28 offenses for which students must be arrested (e.g., vandalism or false activation of a fire alarm).⁸⁴ Unlike many other school districts, CPS's code of conduct specifies behavior that may result in arrest.

CPS has clearly implemented a full-throttle zero tolerance approach that excludes thousands of students from the classroom each year. From 1994 to 2003, the annual number of elementary school suspensions more than doubled from 8,870 to 20,312. In the 2002–2003 school year, more than 29,700 children were suspended from CPS. Every day, on average, more than 266 suspensions are doled out by CPS during the school year.⁸⁵

Even worse, Chicago has developed a reputation for routinely using a more drastic and devastating measure for typical misbehavior—expulsion. There is some disagreement about the exact number of CPS students expelled annually. In 2002–2003, CPS reported that 712 students were expelled;⁸⁶ however, news accounts cite that the number of expulsions has mushroomed from 32 in 1995 to 3,000 in school year 2003–2004.⁸⁷ In fact, in *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*, we noted that in 1999, CPS projected that there would be 1,500 expulsions during the 1999–2000 school year.⁸⁸ These school exclusions are often accompanied by an arrest—leaving these youths with fewer opportunities to learn and with a juvenile or criminal record.

While CPS claims that it does not maintain data relating to the number of arrests on school grounds, such data is available through the Chicago Police Department. According to that department, a growing number of youths, especially students of color, are being arrested in Chicago public schools. In 2003, 8,539 youths were arrested in public schools.⁸⁹

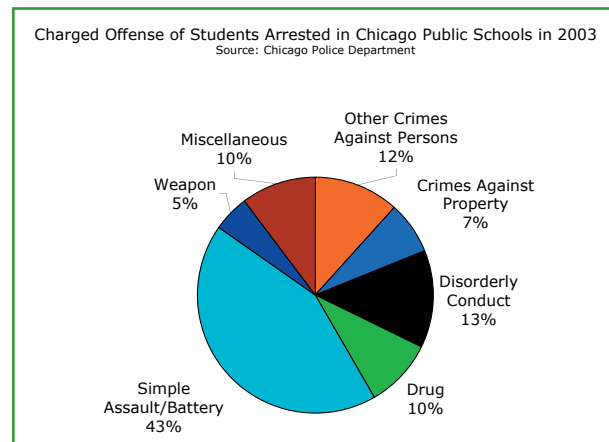


In Chicago, the schoolhouse-to-jailhouse track is often set in motion for children at an early age. Of the 2003 arrests, an astounding 830, or almost 10%, were arrests of children aged 12 and under.⁹⁰

Number of Chicago Public School Students Arrested by Age: 2003

	Number Arrested
7-year olds	4
8-year olds	17
9-year olds	52
10-year olds	98
11-year olds	196
12-year olds	463
13-year olds	810
14-year olds	1363
15-year olds	2176
16-year olds	1827
17-year olds	1089
18-year olds	444
Source = Chicago Police Department	

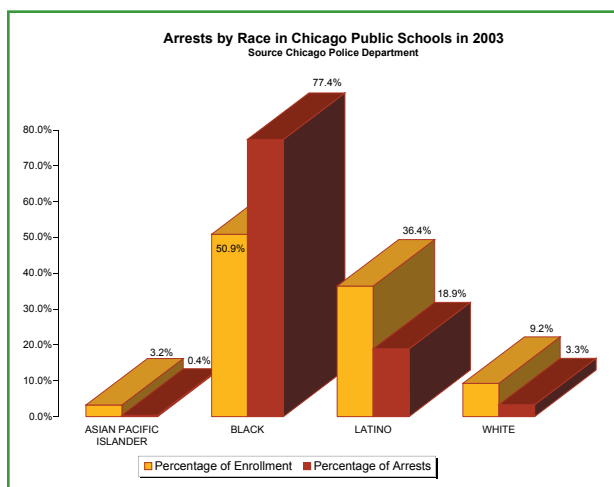
An analysis of these arrests demonstrates that a majority of them did not involve serious crimes. In 2003, more than 40% of arrests were for simple assault or battery—more than three times the number of any other category of offenses. (See Appendix I for list of offenses.) These offenses involve no serious injuries and no weapons and are often nothing more than a threat or minor fight.



Police reports disclose that students are often arrested and charged with “aggravated assault,” which requires use of a weapon. This weapon is often nothing more than a student’s “hands and feet.” According to one Chicago juvenile public defender, the number of school-based referrals to juvenile court has increased significantly over the past five years, especially for schoolyard fights. Another public defender remarked that she has received cases as ridiculous as students being prosecuted for snowball fights.⁹¹

Race Matters

Chicago’s zero tolerance policies and practices fall more harshly on Black students. In 2003, Black students constituted 50% of student enrollment but more than 77% of arrests in schools.



This racial disparity mirrors the racial disparities in suspensions and expulsions. For example, while Black students were 51% of enrollment in 2002–2003, they were 76% of suspensions and almost 78% of expulsions. Further analysis of the district's suspensions indicates astonishing disparities: between 1999 and 2003, Black students averaged 84% of all elementary school students suspended.⁹² More than half of the students suspended in 2003–2004 were African-American boys.⁹³ These combined racial disparities are all part and parcel of a zero tolerance system that is targeting children of color.

There are also disparities with regard to the treatment of children with disabilities. Although there is no data available relating to the number of children with disabilities arrested in school, William Siffermann, Deputy Director of the Juvenile Probation & Court Services Department, estimates that at least 70% of the students referred to the State's Attorney's Office are in special education programs or have some sort of behavioral or learning disability.⁹⁴ According to one CPS high school assistant principal, Chicago schools tend to apply the Uniform Disciplinary Code regardless of whether the disciplinary violation was due to the student's disability.⁹⁵ As a result, children with special needs are inappropriately disciplined and sometimes arrested for conduct that is caused by their disability. Also, it is unclear whether school security guards and school-based police officers are trained to deal with students with disabilities and therefore may be more apt to misinterpret

behavior that is merely a manifestation of a student's disability.

The Role of Police

One of the more visible effects of the crackdown on student discipline in Chicago is the growing reliance on school police and security measures. The militarization of Chicago's schools has had a detrimental impact on students. For example, in February 2003, a 7-year-old boy was cuffed, shackled, and forced to lie face down for more than an hour while being restrained by a security officer at Parker Community Academy on the Southwest Side.⁹⁶ Neither the principal nor the assistant principal came to the aid of the first grader, who was so traumatized by the event he was not able to return to school.

CPS has a huge security budget; in 2003–2004, the district's security budget was \$53 million.⁹⁷ The school district employs 1,700 security staff,⁹⁸ which is nearly three times as many as five years ago.⁹⁹ There are also armed, uniformed Chicago police officers in every high school and in some in K-8 and middle schools. Every K-8 school also employs an off-duty Chicago police officer as the head of security.¹⁰⁰

In addition, all schools are equipped with metal detectors, and, as of August 2003, 46 schools had X-ray machines to scan student backpacks and book bags, with another 36 schools slated to receive them.¹⁰¹ In 2003, 201 schools had video security systems,¹⁰² and 12 schools had extensive exterior digital surveillance cameras.¹⁰³

While many of the people interviewed agreed that the presence of security guards and police officers is needed, the extent of that presence is an issue of contention. Many people believe that schools do not need such a large and imposing security force, and that the security personnel detract from the learning environment. For example, a Chicago public high school teacher commented that while the security guards were seemingly there to keep order within the school, they were often an unwelcome disturbance and were too frequently unprofessional.¹⁰⁴

“To move to Zero Tolerance doesn’t match up with the court system. We have to become more actively involved in helping schools focus [on] finding a better way to accomplish school safety. We need to go back to CPS and offer alternative programs instead of juvenile court. There should be a track, an actual program, depending on what the violation was, and the disciplinary measures should be something in school they have to attend . . . there should be a community solution. . . We must separate discipline from security.”
-William Siffermann, Deputy Director of the Juvenile Probation & Court Services Department

After being suspended] I missed some class. I even missed a test. I got a chance to make up the work, but since it piled on top of the work I already had, I couldn’t make it all up. Also, if you miss a certain number of days, your grade automatically drops, no matter what. . . . I kind of stopped caring. I would ditch school more often. . . . I had been trying to keep up with my grades, but I was already too far behind. I knew that, no matter how hard I had tried, I wouldn’t be able to make a difference now. Security guards literally all knew me, so they would always be looking for me and harassing me. They would always be treating me like I was a troublemaker.

-Ismael, Chicago Public School Student

On a typical Wednesday afternoon, J.D., a 15-year-old freshman, left school after his classes ended at 2:30 and headed to the bus stop to catch the 151 bus home. J.D. was one of many students waiting for the bus that day. While waiting, two students got into a fight. The police arrested the young boy accused of starting the fight. When J.D.’s bus arrived, he hopped on and went home.

The following day, J.D. was pulled from his class, searched twice – first by school security, and then by detectives – and subsequently arrested. As if that weren’t traumatic enough, J.D. was taken to the police station where charges were filed against him. Why? For the fight at the bus station the previous day. Somehow, school officials believed that J.D. had been involved in the fight and had him arrested.

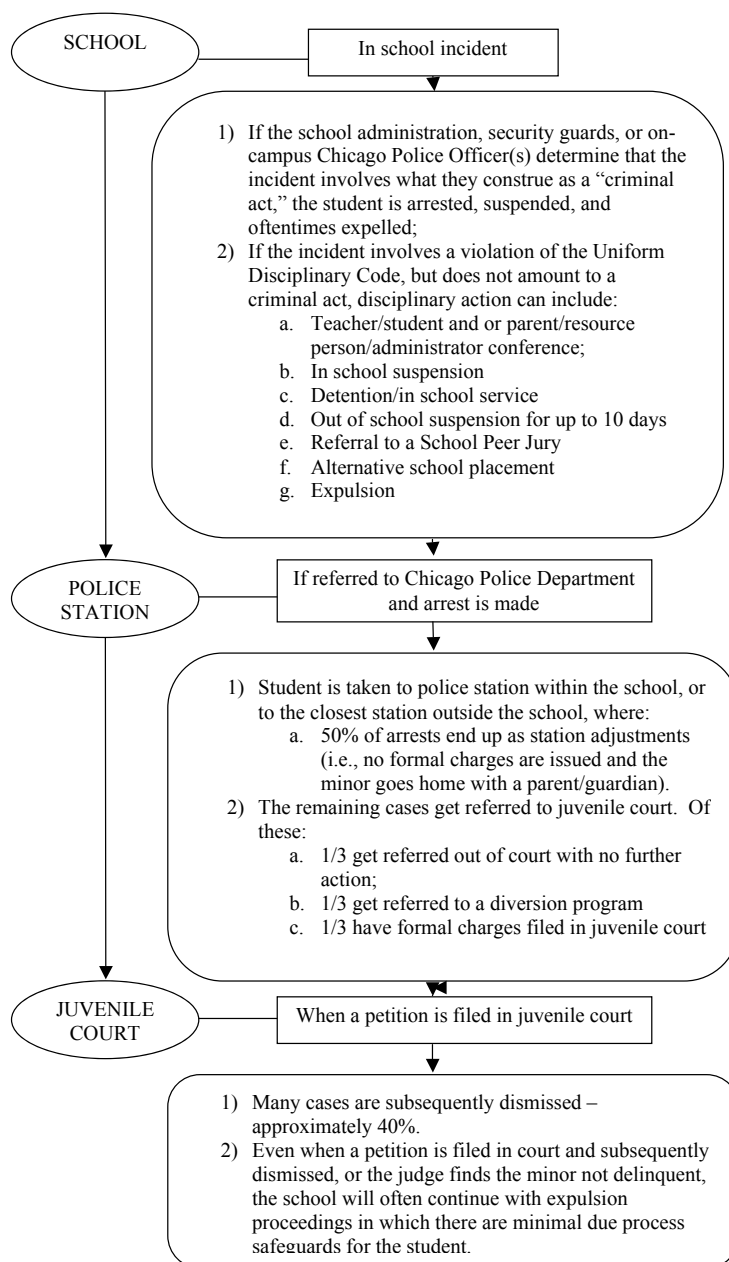
suspended from school, J.D. spent the next several months traveling back and forth to juvenile court to fight his case. He also had his school expulsion case weighing on his mind.

Fortunately, J.D. was able to secure an attorney who was successful in getting his case in juvenile court dismissed. However, CPS maintained that he should be expelled and refused to drop the expulsion hearing. As the hearing began, prosecutors for CPS argued vehemently that J.D. had been the aggressor. But when CPS’s first witness – the victim – entered the hearing to testify, he exclaimed, “He wasn’t the one,” thus exonerating J.D.

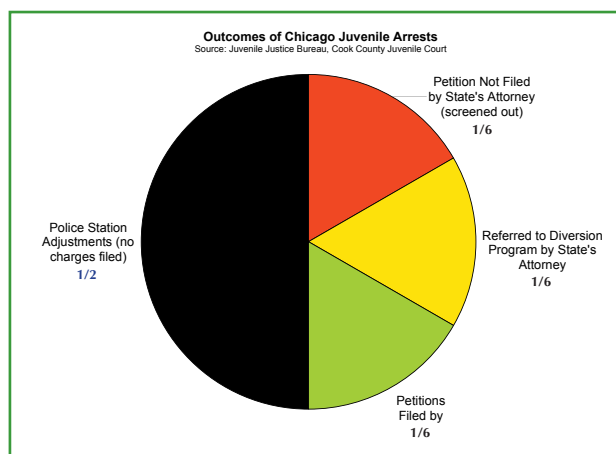
The Chicago Route

Chicago's schoolhouse-to-jailhouse track is fueled by the school district's aggressive stance toward student misbehavior, even the most minor incidents. However, Chicago's track is often stalled by other institutional systems (police and the State's Attorney) that screen out a majority of cases because of their trivial nature; therefore, these cases never end up in the juvenile justice system. Unfortunately, these screening mechanisms have far too many cases being thrown at them by CPS.

CHICAGO SCHOOLHOUSE-TO-JAILHOUSE TRACK



Arrests in Chicago public schools occur upon determination that the conduct at issue constitutes a criminal act. Often it is a stretch to characterize the acts of these students as criminal; however, school officials may instigate an arrest. Once an arrest is made, the arresting police officer may make a station adjustment (i.e., not file formal charges and send the youth home with a parent or guardian) or send the case to juvenile court. This initial decision is based upon the student's criminal history and the seriousness of the "crime." According to a Cook County Juvenile Court official, about one-half of the children arrested every year are station-adjusted, indicating that their "crimes" were not sufficiently significant to take them to the next step.¹⁰⁵



Cases that progress to the next step are then sent to juvenile or criminal court. According to juvenile court officials, the outcomes are as follows: one third are dropped with no petition (charges) filed;¹⁰⁶ one third are referred to diversion programs;¹⁰⁷ and one third result in petitions (charges) filed by the State's Attorney.¹⁰⁸

Again, these are discretionary decisions typically based upon a number of criteria including the provability of the charges, the youth's age and criminal history, the youth's attitude, the parent's attitude, the seriousness of the crime, and whether the victim wants to press charges.¹⁰⁹ Youths sent to diversion programs are generally first-time offenders, early offenders, and/or non-violent offenders.¹¹⁰ Failure to complete a diversionary program may result in the filing of formal charges.

Upon completion of a diversionary program, charges are dropped, but a record of the arrest remains in existence until the youth has it expunged (removed).

Of the cases that result in a petition in juvenile court, a significant number (40%) are dropped after the arraignment process but before adjudication.¹¹¹ Cases that are not dismissed proceed to trial or are pled; most of these cases involve fighting. First-time offenders who plead guilty will typically have their charges dropped from aggravated battery to misdemeanor battery. Youths with prior charges and those who are found delinquent after a trial will usually be placed on probation for one to two years.

Chicago Public Schools' use of zero tolerance and school arrests is ruining the lives of many Chicago youths. These practices not only place the opportunity to learn in grave jeopardy, they also put youths at risk of incarceration. Of course, days missed due to out-of-school suspensions operate to the detriment of Chicago students who are under extreme pressure to pass high-stakes tests. Expelled students are clearly at a loss; these students are transferred to alternative schools, which one CPS assistant principal described as "warehouses for kids the CPS hopes will drop out."¹¹² Whether these schools are ineffective educational environments is unclear due to their total lack of accountability. Furthermore, the humiliation of being treated like criminals, especially for the youngest victims of zero tolerance, may leave deep emotional scars for those caught on the schoolhouse-to-jailhouse track.

It is particularly disturbing that the criminalization of Chicago students occurs even where the conduct does not rise to the level of a typical crime but is instead worthy of only school-based sanctions. For many of these students the adverse impact is felt regardless of whether the case is dismissed due to lack of evidence or seriousness. In the final analysis, it appears that while law enforcement and the juvenile court system often work to spare youths from the devastation of this track, CPS is working at odds with these stakeholders—aggressively suspending, expelling, and insisting on the arrest of youths regardless of fundamental principles of proportionality and necessity.

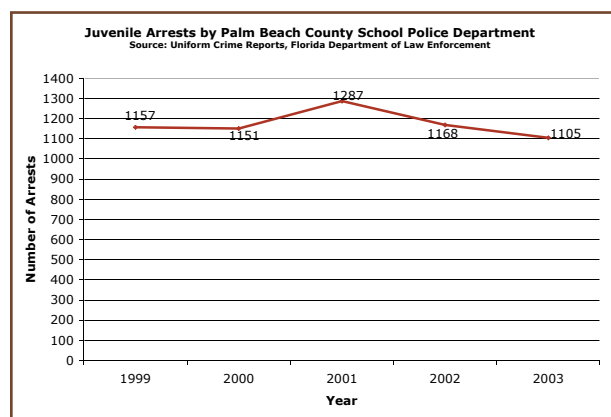
PALM BEACH COUNTY, FLORIDA

Palm Beach County Public Schools Facts and Figures (2003-04)	
Total Student Enrollment	170,214
Student Demographics:	
American Indian	0.6%
Black	28.9%
Asian	2.8%
Latino	20.4%
White	44.3%
Multi-Racial	3.5%
Percentage of students from low-income families (receive reduced-priced or free lunch)	41.7%
Number of Schools	242
Source: Florida Department of Education, Palm Beach County School District Data, www.firn.edu/doe/eias/flmove/palmbch.htm (last visited Feb. 9, 2005).	

The Problem

In *Derailed: The Schoolhouse to Jailhouse Track*, we documented the unrelenting treatment of Palm Beach County students. We noted the continuing problem of the overuse of suspensions and the rising number of arrests by Palm Beach County School District Police for minor conduct. Public defenders and Legal Aid attorneys provided accounts demonstrating that all too often students in Palm Beach County were being thrown into the juvenile justice system for incidents that should have been handled by schools. We documented the story of a young man arrested and charged with “throwing a deadly missile”—an egg he was carrying on Halloween—and another young man who was charged with aggravated assault for dodging a principal who attempted to snatch a hat off his head. The district was clearly using law enforcement as a disciplinary mechanism. Further, it was clear that the criminalization of this minor conduct was falling disproportionately on children of color—especially Black students.

In the almost two years since the release of *Derailed*, the number of arrests has slightly declined but complaints remain that the district is suspending and arresting too many youths for petty acts that would never result in an arrest and prosecution in the real world; that is, beyond the schoolhouse doors. Further, it appears that the Palm Beach County State’s Attorney’s office continues to go overboard in prosecuting harmless behavior—assisting in the needless criminalization of Palm Beach County youths.



J.F. is a 9-year-old student of the Palm Beach County School District. Diagnosed with cerebral palsy, he uses a walker and receives special education services. In the fall of 2003, J.F. was charged with assault on a teacher who claims he “jumped on her” out of anger. “The paraprofessional claims that he jumped on her; he is nine years old with cerebral palsy,” commented J.F.’s mother. “He can’t even jump from a chair.” School police had taken a report with no parent present. “[The officer] said that we were lucky that it was the end of the day or he would have been arrested.” says J.F.’s mother. The case moved forward into the juvenile court system where J.F.’s public defender was eventually successful in having the case dismissed.

In 1997, the Florida state legislature passed a law mandating that each school district adopt a policy of zero tolerance for crime, including substance abuse; victimization of students; firearms or weapons; and false reports involving school property, personnel, or activities.¹¹³ Violation of this law requires expulsion for up to one year. Zero tolerance has been strictly adhered to by Palm Beach County Schools, even without proof that the approach is improving safety. The district actively excludes students through suspensions and expulsions and arrests them for minor misconduct.

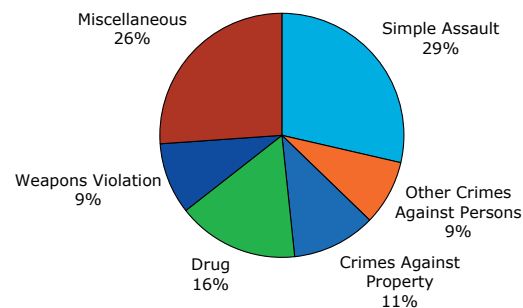
The use of school exclusions continues to rise in Palm Beach County. The number of students suspended has increased from 16,238 in school year 2000–2001 to 18,205 in school year 2003–2004.¹¹⁴ Palm Beach County Schools has furthered this zero tolerance approach by criminalizing harmless youthful conduct. The district so liberally interprets the law that an egg, an orange, or a coke bottle is considered a “deadly missile”;¹¹⁵ an umbrella in the hands of a severely disabled student is a weapon;¹¹⁶ and “mooning” or “suggestive dancing” is a sex crime—a label that follows the student for life.¹¹⁷ As a result, too many students are arrested.

“Eight-year-olds are being put in jail for kicking a teacher; this is a second degree felony.”

– Palm Beach County Corrections Officer

Arrests by the Palm Beach County School Police Department continue to be for minor conduct. Students are most commonly arrested for simple assault (a touching, a fight, or a threat with no weapon or injury) and miscellaneous offenses (disruptive behavior, throwing a deadly missile, trespassing). More serious crimes, such as weapons possession and drugs, are only 9% and 16% of arrests. There were no arrests of youths for murder or rape; there were 28 aggravated assaults (which includes assault with no weapon or injury on a school employee). Again, while arrests of children may be warranted for serious crimes, these crimes were not a motivating factor in a majority of the school-based arrests. (See Appendix I for list of offenses.)

Charges Resulting in Arrests in Palm Beach County School District in 2003
Source: Uniform Crime Reports, Florida Department of Law Enforcement

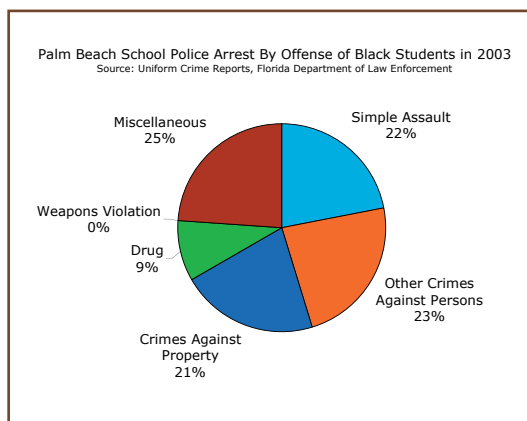


Race Matters

The racial disparities found in *Derailed* continue to exist. Not only are youths of color more likely to be suspended, they are also more likely to be arrested. Black students are particularly susceptible to unnecessary arrests. In 2003–2004, Black students were almost 29% of enrollment, but almost 64% of the school-based arrests.¹¹⁸ Black students, and increasingly Latino students, are being arrested in large part for incidents easily colored by subjective interpretation or for incidents that, when grouped, can best be characterized as miscellaneous.¹¹⁹ Students in local schools report that school police often intervene and arrest Black and Latino students for merely disruptive behavior, such as a shoving match in the hallway or other physical altercations with no resulting injuries.¹²⁰ These are precisely the types of incidents that historically the school principal addressed in-house through the use of detention, school or community service, and, at most, suspension.

“...at my school, about 30-40% of the kids are from the neighborhood, which is a rough neighborhood [and mostly Black] and if I were to see any of these students at any other high school I would, unfortunately, stereotype them.”

– White teacher from a Palm Beach high school



The sad reality for students of color is that the combination of attitude, perception, and subjective interpretations made by both the police and many school staff has produced significant racial disparities in who gets arrested.

For Latino students, it continues to be difficult to determine the impact of arrests because of a lack of data. The Florida Department of Law Enforcement does not document arrests of Latinos. Public defenders note that most of the school district's arrests that are labeled White are in reality Latino students.

Role of Police

Palm Beach County Schools has its own police department, which includes as many as 184 police officers and five K-9 officers.¹²¹ In addition, the department has its own fleet of police cars and employs high-tech measures, including video surveillance cameras and palm scanning devices used to identify students as they get on school buses and enter classrooms and cafeterias.¹²² The department's budget has grown substantially—from nearly \$9 million in 2000 to almost \$17 million in 2002.¹²³

The role of the school police department is quite broad. Because its officers are a constant presence on school grounds, they may readily insert themselves into, or be called upon to intervene in, even the most minor school-related problems. In this sense school police have taken on a role aside from that of prevention and protection.¹²⁴ They have become a resource for creating the newest form of school discipline: handcuffing, interrogation, and arrest. In the

past year, however, officers have improved their efforts to counsel students and meet with parents, providing some alternative interventions. These efforts have not yet caused a significant decrease in the number of arrests.

The presence of police in schools receives mixed reviews. In some instances teachers, parents, and students report feeling that their schools are safer because of constant police presence. When informed about examples of conduct that resulted in arrests, parents raised fears that police may overreact and that arrests should be reserved for the most serious crimes. Some parents also cautioned that they are concerned that police in schools racially profile students like they do on the streets, leading to the unfair treatment of students of color.

“Look at the school police concept. They need to have arrests, it’s reactionary...the message has to start by saying we want safe schools but not at the cost of those who could learn to be taxpaying citizens.”
- Judge Ronald Alvarez, Palm Beach County Juvenile Court

A survey of students also showed divergent views. When asked, “Do you feel your school is made safer by the presence of school police officers,” 131 students responded: 35% indicated that they felt protected, while 65% indicated that they felt something other than protected, including intimidated and harassed. Students cited examples such as handcuffing youths in front of their peers for even the most minor incident and police officers entering classrooms to make arrests absent an immediate threat of harm to others. One Latino middle school student, removed from his classroom in handcuffs because he refused to take his seat after several prompts from his teacher, reported being surprised that he was met in the classroom by several police officers since he was not being aggressive toward anyone.¹²⁵

“School is a place where kids are picked up on arrest warrants. It’s bad. [Arresting in school] confuses the issue between education and criminal justice. It takes school issues and makes them legal issues.”

–Public Defender, Juvenile Division, West Palm Beach, FL

“When we asked local law enforcement leaders to provide us with a comparison of the school police department versus city and county police officers, we were told it is no different than any other police department in the area. Well it should be different. These officers are not patrolling city streets, apprehending criminals among the general population of Palm Beach County, they are patrolling our schools.”

– Lisa Carmona, former Project Director, CARE

“Children are very confused about the role of police in any society and their power of depriving them of liberty. These boundaries get very confused with police in the school system. So many children’s civil rights are ‘waived’ without a full understanding of that waiver.”

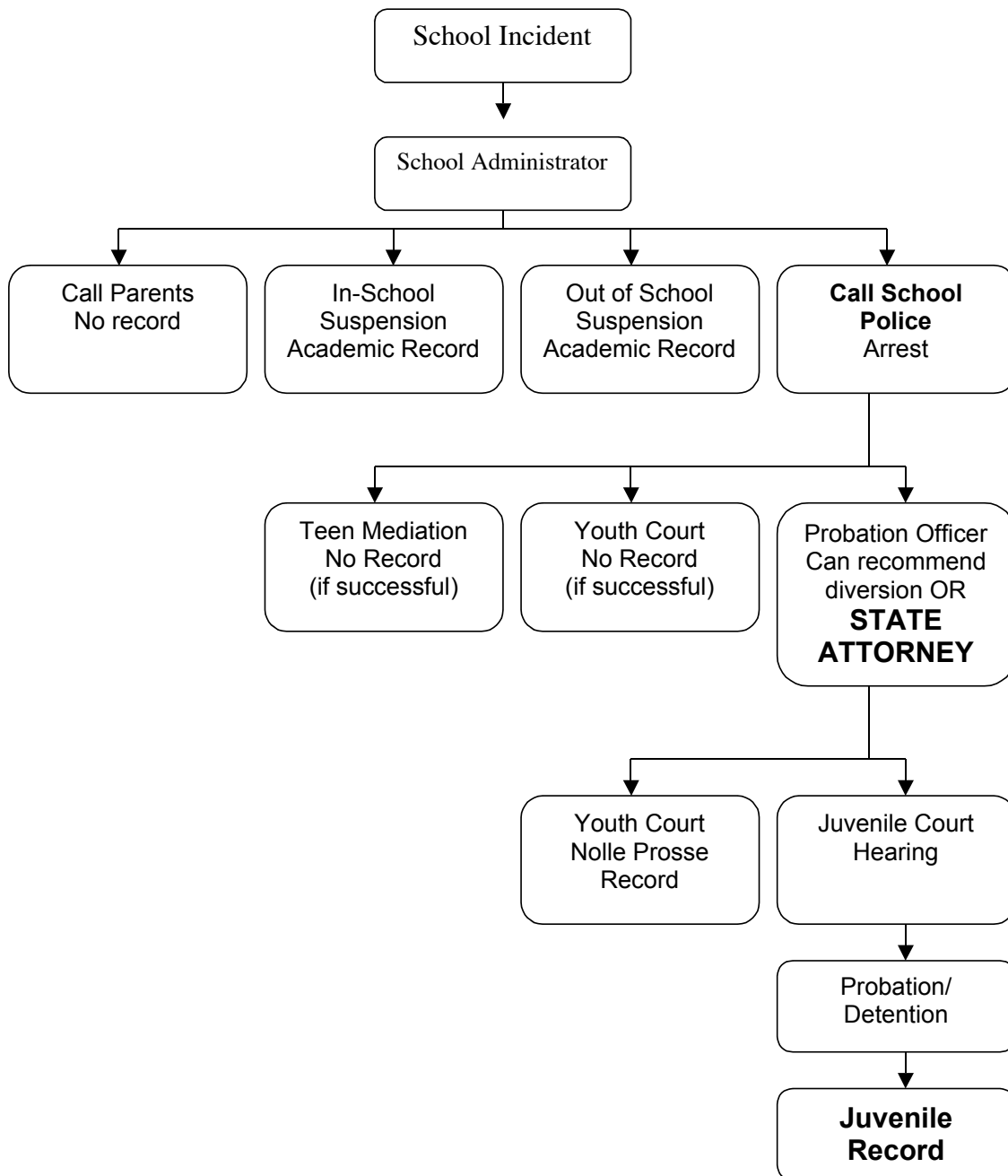
–Public Defender, Juvenile Division, West Palm Beach, FL



The Palm Beach County Route

Palm Beach County Schools has used a zero tolerance philosophy that pushes youths into the juvenile justice system, where the stakes may be high. School officials and staff, school police, and an aggressive State's Attorney fuel this track.

PALM BEACH COUNTY SCHOOLHOUSE-TO-JAILHOUSE TRACK



When an incident occurs, a student is referred to the principal who determines what steps to take pursuant to the district's policies governing student conduct and the "operational procedures for incidents and actions."¹²⁶ These procedures consist of a matrix that outlines disciplinary mandates and options. The matrix, which was adopted in response to community pressure for disciplinary reforms, is supposed to "create a consistent, district-wide disciplinary system" in order to "reduce some of the subjectivity in [administrators'] decision-making."¹²⁷ Unfortunately, the matrix has not fully accomplished this goal, especially with regard to arrests. For example, while in the case of a harmless, weaponless fight,¹²⁸ the matrix requires suspension and makes a referral to law enforcement discretionary.¹²⁹

Once a student has been arrested, he or she is taken to the Palm Beach County Juvenile Assessment Center (JAC), a state facility designed for the assessment, evaluation, and detention of juveniles. A group of four students who have been to JAC agree that youths are regularly belittled while there.¹³⁰ One tenth-grade female student noted, "I was there for four hours before they called my parents. I had no food and I was only allowed to go to the bathroom once." At JAC a determination is made as to whether the underlying offense rises to the level of detention.¹³¹ Whether detained or released to parents, the next stop on the track is commonly an order to appear in court, where the student's fate is in the hands of an overly aggressive State's Attorney's Office and juvenile or criminal court judges.

The Other Aggressors

The school district's aggressive approach to discipline law enforcement is vigorously supported through the juvenile prosecutions brought by the State's Attorney's Office. It is often within the discretion of this office whether to dismiss or prosecute a case. Unfortunately, this prosecutorial discretion is often abused in Palm Beach County resulting in the prosecution

of otherwise unworthy cases. The tenor of the current State's Attorney's Office is summed up by the 1998 felony prosecution of a mentally disabled fifteen-year-old student for having stolen \$2.00 in lunch money from another student. The State's Attorney characterized the incident as a violent juvenile crime posing a safety issue.¹³²

"The State's Attorney put everyone 'on notice' regarding going after juveniles. This led to the highest rate of youths incarcerated [as adults] and to...defining crimes for those things that didn't use to be a crime; for example, [asserting] a 'sex crime' for what is flirting..."

– Palm Beach County Probation Officer

The fact that the State's Attorney takes such an aggressive, and often ridiculously strict, stance on even the most mundane school cases comes as no surprise since Palm Beach County has an infamous track record relating to juvenile prosecutions. Palm Beach County has the dubious distinction of having the second highest rate in Florida of direct files; that is, transfer of juvenile cases to adult criminal court.¹³³ Not surprisingly, the majority of students who suffer the effects of this trend are those of color.¹³⁴

"These kids were 14 years old with no prior record and were charged with robbery because [in the cafeteria] one held [another student] and the other took \$7.00 and a little recorder. This could have been handled in the school."

– Stephen W. Benedict, Public Defender, Direct File Unit, Palm Beach County, FL

Because of the State's Attorney's hard line on juvenile prosecutions, there are a number of cases that proceed through the juvenile courts that should be handled within the confines of schools.

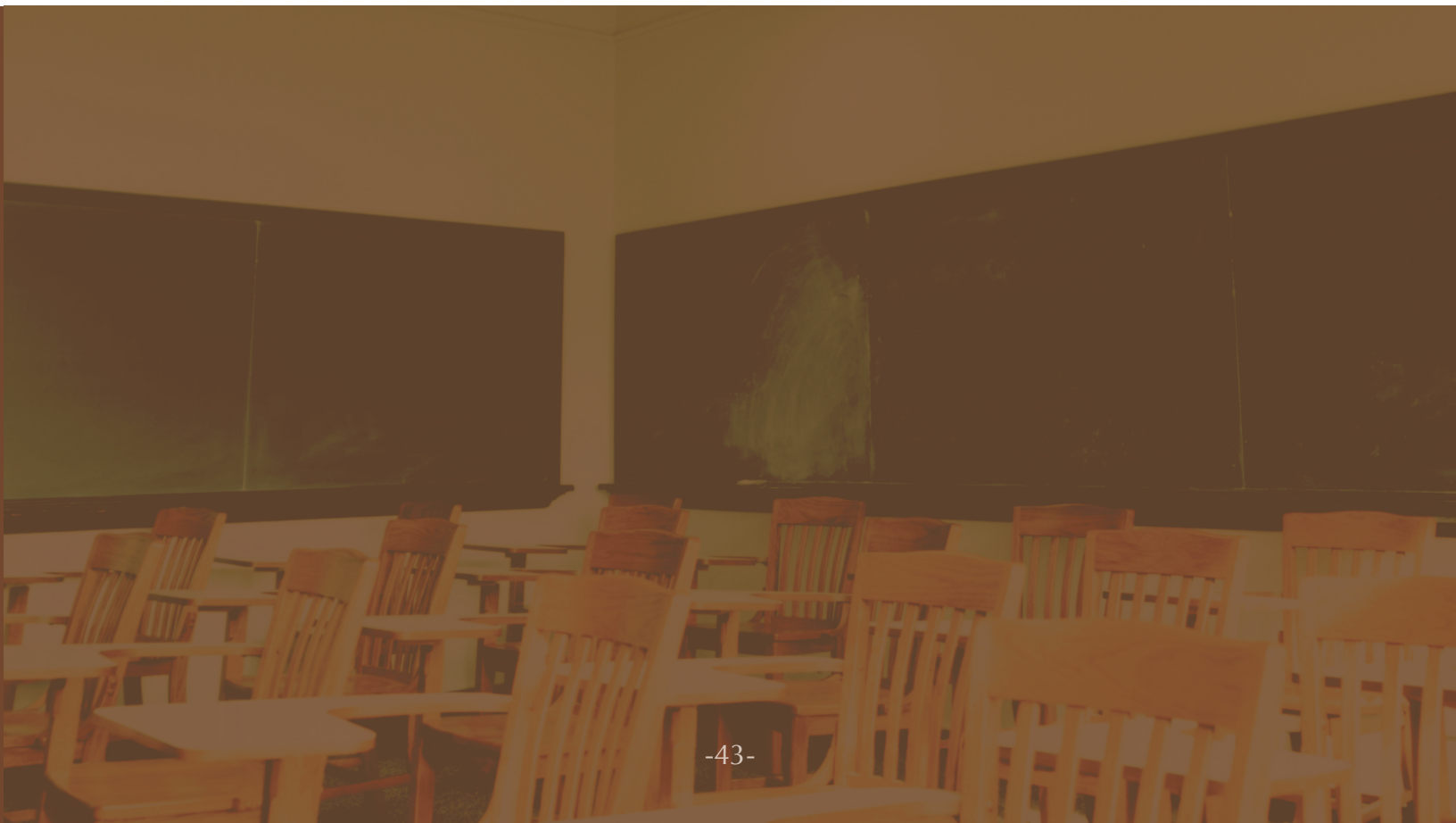
| ***"My court has become, in essence, the principal's office."***
 | ***-Judge Ronald Alvarez, Palm Beach County Juvenile Court***

Students who land in juvenile court are often placed on probation. Unfortunately, the terms of probation are often sometimes so restrictive that even a teen on his or her best behavior would likely have difficulty meeting them. In many instances the terms of probation that require payment of fines or restitution are impossible due to socioeconomic constraints.

Common probationary terms include:

- Payment of restitution
- Payment of court costs
- Fines
- Anger management classes and/or counseling (which usually must be paid for by the student or her or his family)
- Attending school regularly with no unexcused absences
- No tardies
- A six o'clock curfew

Arguably, such restrictive terms combined with an aggressive stance by the school police and the State's Attorney's Office has created an environment where a student is certain to remain on probation and in the system—a condition that will surely have collateral consequences for some students.



CONCLUSION

Where Do We Go From Here?

Schools continue to be safe havens for America's children. Rare occurrences of serious school violence, however, have caused school districts around the country to grapple with the issue of school safety. There is agreement that schools should be safe and conducive to learning; however, the way to achieve these goals is very much in dispute.

Right now, schools are overreaching by inappropriately adopting law enforcement strategies that are leading students unnecessarily into the juvenile or criminal justice systems. For example:

- Schools are employing the “Broken Windows Theory” that is used by many law enforcement agencies.¹³⁵ This theory applies zero tolerance to all crimes, big and small, with the assumption that a swift and harsh response to minor misconduct will send the message that more serious crimes will not be tolerated.¹³⁶
- Some schools are profiling students in two ways. First, through zero tolerance: school officials believe that through their zero tolerance efforts, they will be able to deduce who the next school shooter will be. Second, through racial profiling: school staff uses stereotyping to crack down on youths they believe may be a threat.
- Schools increase police presence as a knee-jerk reaction without assessing why problems exist or how best to prevent them.¹³⁷
- Mandatory minimum sentences used in the criminal justice system¹³⁸ are being used to punish students. In many schools, students are subjected to inflexible punishments without regard to circumstances, especially with regard to fights. This is neither individualized justice nor effective.

Some schools also seem to be opting to discard students who are perceived as troublemakers and who could potentially disrupt learning. These strategies are being employed without regard for teaching youths how to change behavior, for using punishments that fit the conduct, or for acknowledging adolescent development.

These issues are not easy. Teachers should not spend all day disciplining students, nor should students miss out on opportunities to learn simply because of their race or because an adult has inappropriately decided they are not worthy of an education but instead belong in the penal system. Our penal system is already burgeoning—with more than 2.1 million adults in prison or jail.¹³⁹ If the schoolhouse-to-jailhouse track continues at its rapid pace, the fallout will be the continuing growth of the prison industrial complex.

Research has shown that prevention and intervention programs are the most effective methods for addressing school violence and creating a productive learning environment.¹⁴⁰ It is also more cost effective than hurling students into the juvenile justice system.¹⁴¹ The No Child Left Behind Act of 2001 now requires schools to be more accountable by showing that their violence prevention activities are research based and evaluated for effectiveness.¹⁴² State and local policy makers must examine the effectiveness of their school discipline policies and programs and take steps toward reforming this failing system.

Initial solutions:

- School districts should limit zero tolerance school discipline procedures to only conduct that pose a serious threat to safety.
- Schools should use arrests only under extreme circumstances, such as gun possession. There should be a moratorium on arrests for disorderly conduct and other such petty, non-violent offenses.
- Schools should adopt clear and concise school discipline guidelines that provide students and parents with notice of potential disciplinary actions for specific offenses. These policies should also specify the circumstances under which a student will be ticketed or arrested. In Denver, for example, there is no district-wide policy that specifies incidents that could lead to tickets or arrests. These guidelines should be included in agreements between school districts and police departments.
- School police and officers assigned to schools from local police departments should receive special training on how to effectively interact with youths and children with disabilities.
- School districts should establish school discipline oversight committees, which would include parents and students, to handle complaints about school discipline practices and the conduct of security and police officers. In addition, the committee should review discipline and arrest statistics and the school district's efforts to maintain safety in a fair and nondiscriminatory manner, while keeping students in school.
- States should adopt legislation requiring data collection and the reporting of arrests in schools (including offense, age, gender, grade, race, ethnicity, disability, and disposition). Legislation should also require that districts show improved (lower) rates of suspensions, expulsions, arrests, and racial disparities in order to receive funding.¹⁴³
- Schools should adopt and provide adequate resources for prevention and intervention programs that have been assessed for effectiveness and that are tailored to address the most common incidents in each school. (See Appendix II.) (In many districts, for example, alternatives to suspension or expulsion are not available for fights—the most common offense—thus locking out most of the students who are being suspended, expelled, or ticketed/arrested.) Districts must be committed to and supportive of these programs. For example, in Chicago, the following programs have been successful but are underfunded and underutilized:
 - **Peer Juries.** This award-winning program addresses the needs of suspended and expelled students due to their sometimes poor attendance patterns, difficulty completing school assignments, and issues of isolation from the school community and culture. Students are trained as peer jurors and work with students who have committed disciplinary offenses in an effort to connect them with community resources and to address root causes of their behavior and identify positive solutions. This highly successful program has been replicated in 25 high schools.¹⁴⁴

-- **Community Panels for Youth (CPY).** Another program that has enjoyed considerable success is CPY. Working in conjunction with the State's Attorney's Office, CPY is a community-based alternative to juvenile court. It provides youths charged with crimes the option of having their cases heard by panels of trained community volunteers rather than a judge in an adversarial setting. After hearing from the youth and listening to the victim, panelists develop a contract with the youth that holds him or her accountable by recognizing the harm (an apology, community service, in-kind restitution) caused by his or her acts; builds his or her skills and abilities through developing strengths, deepening interests, and matching the youth with an engaged adult; and keeps him or her on track and productive, attending school daily, maintaining contact with a monitoring panelist for 3–6 months, and remaining crime free. More than 80% of the students who participated in the program between 1997 and 2002 successfully completed their contracts, remained out of juvenile court, and had no delinquency records as a result. Yet, as successful as they have been, CPY could have a far greater impact; instead, it handles only about 50–70 cases a year.¹⁴⁵

- Schools and law enforcement should create and follow written policies that will require the referral of students to programs that are alternatives to suspensions, expulsions, and arrests in certain circumstances. For example, in 2003, the Baltimore Public Schools Police Department issued a written directive to its officers to seek placements in diversionary programs, such as teen courts, instead of arresting students. (See Appendix III.) Officers reported that, unfortunately, school officials wanted the arrests and thus thwarted the police efforts to make the placements
- Schools need funding resources to expand their staff of guidance counselors and social workers. Schools should also have social workers available, either on staff or by drawing on local social service agencies, to provide students and their families with connections to needed resources. While much of the youthful misbehavior described in this report should not necessitate extreme disciplinary action such as expulsion and arrest, it does point out the need for improved counseling and support of troubled students. Unfortunately, school counseling offices are frequently understaffed. Nationally, there is only one guidance counselor for every 477 students.¹⁴⁶ In the three sites researched for this report, the Palm Beach County School District has one guidance counselor for every 432 students, Chicago Public Schools has one for every 544 students, and Denver Public Schools—astoundingly—has one for every 1,151 students.¹⁴⁷
- Indigent youths should receive free legal representation in court proceedings where the outcome may lead to a juvenile or criminal record.

We must work toward a sound policy and practice to keep children and educators safe, where common sense is used in preventing violence and crime, and where schools become caring learning environments. To achieve these goals, community members, parents, students, school officials, law enforcement, and court officials must collaborate and reach agreement on the best path to take to stop the unnecessary criminalization of America's students.

ENDNOTES

- ¹ Johanna Wald and Daniel J. Losen (Fall 2003). Deconstructing the School-to-Prison Pipeline. New Directions for Youth Development.
- ² Susan Synder (Dec. 11, 2004). Scissors Get Girl in Legal Trouble. Philadelphia Inquirer, B01.
- ³ Mensah M. Dean (Dec. 15, 2004). Sharp Review of School “Manners.” Philadelphia Daily News, at 4.
- ⁴ Indicators of School Crime and Safety: 2004. National Center for Education Statistics, at 1; Russell Skiba (Summer 2004). Zero Tolerance: The Assumptions and the Facts. Center for Evaluation & Education Policy, at 2.
- ⁵ Howard N. Snyder (Sept. 2004). Juvenile Arrests 2002. Juvenile Bulletin, U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention.
- ⁶ M. Karega Rausch and Russell Skiba (Summer 2004). Unplanned Outcomes: Suspensions and Expulsions in Indiana. Education Policy Briefs, Center for Evaluation & Education Policy, Vol. 2, No. 2, at 5.
- ⁷ Russell Skiba (Summer 2004). Zero Tolerance: The Assumptions and the Facts. Education Policy Briefs, Center for Evaluation & Education Policy, Vol. 2, No. 1, at 3.
- ⁸ *Id.*
- ⁹ See, e.g., Ronnie Consella (2003). Punishing Dangerousness Through Preventive Detention: Illustrating the Institutional Link Between School and Prison. New Directions for Youth Development: Deconstructing the School-to-Prison Pipeline, at 63–65.
- ¹⁰ Human Rights Watch (November 2004). No Second Chances: People with Criminal Records Denied Access to Public Housing.
- ¹¹ David Royse (Sept. 28, 2004). Family: 7-year-old Too Young to Be Arrested. Associated Press.
- ¹² Editorial (Dec. 30, 2004). No Jail After All for Cussing Kid. Star News (Wilmington, NC), at 10A. Sam Scott (Oct. 10, 2004). Student Could Go to Jail on Charge of Using Profanity. Star News (Wilmington, NC), at 1B.
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¹⁰⁴ Interview with Matt Katz, Teacher, Farragut High School.

¹⁰⁵ Interview with Cathy Ryan, Former Chief of Juvenile Justice Bureau, Juvenile Court of Cook County (June 24, 2004).

¹⁰⁶ *Id.*

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¹¹¹ Interview with Brandy Bixy, Public Defender, Cook County Court (Aug. 27, 2004).

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¹¹³ Fla. Stat. §1006.13(1) & (2) (2004). See also, School Board Policy 6Gx50-5.18, Student Conduct and Behavior, (7) ("...the board adopts a policy of zero tolerance for crime, substance abuse and the possession of a firearm").

¹¹⁴ Palm Beach County Schools, Gold Report All Elementary, Middle and High Schools, 2000-2004 (Nov. 19, 2004).

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¹¹⁶ Interview with Darlene Foster, mother of J.F. (March, 2004).

¹¹⁷ Interview with West Palm Beach Public Defender (May, 2004).

¹¹⁸ Florida Department of Law Enforcement, Uniform Crime Reports (2003).

¹¹⁹ For purposes of analyzing the data, "miscellaneous" category includes such non-violent offenses as trespass, intimidation, bribery/forgery, failure to appear, violation of probation and others.

¹²⁰ Palm Beach County School Board Policy 6Gx-50-5.1811 distinguishes between instances of aggression, including "pushing, pulling, punching or striking," that do not result in bodily harm and instances that do result in bodily harm, requiring police intervention; the first it defines as an "incident" and the second as a crime.

¹²¹ See, School District of Palm Beach County Police Department website at: www.palmbeach.k12.fl.us/schoolpolice/

¹²² Lynda Edwards (May 2003). Palm Beach Daily Business Review, Volume 03, No. 5-27, at 1.

¹²³ The School District of Palm Beach County, Florida: Analysis of School Police Funding, FY 2000 – FY 2002, Office of Public Affairs (November, 2004), (demonstrating annual increases in funding for the department, up from nearly \$9,000,000.00 in year 2000).

¹²⁴ See, Judith A Browne (May 2003). Derailed! The Schoolhouse to Jailhouse Track. Advancement Project, at 23.

¹²⁵ Interview with A.C., Palm Beach County Student (October, 2003).

¹²⁶ See, Policies of the School Board of Palm Beach County, Chapter 6Gx50-5: Pupil Personnel, policies 5.18 and 5.1812 and 5.1813.

¹²⁷ See, Palm Beach County School Board Policy 5.1812: Operational Procedures for Incidents and Actions for Elementary Students (1)(a) and 5.1813: Operational Procedures for Incidents and Actions for Secondary Students (1)(a).

¹²⁸ Such incidents commonly fall into the Palm Beach County School Police Department's arrest category of "simple assault," which includes an unarmed assault on a student, staff, or police. A large proportion of arrests for Black students fall into this category.

¹²⁹ The Matrix indicates that for a fight, "referral to law enforcement" (indicated by RL) is an "additional action." See: Palm Beach County School Board Policy 6Gx50-5.1813 (2)(a) ("Additional

consequences [those actions from which an administrator MAY ADDITIONALLY choose to impose for more serious or repeated actions] are indicated by an "A").

¹³⁰ Interviews with four Palm Beach County Students (October 2003).

¹³¹ Fla. Stat. §985.215 (1)(b)(2004).

¹³² See, Megan Twohey (June 1999). The Wrong Answer to Littleton: the Prosecution of Teenage Crime. Washington Monthly (noting that the juvenile was charged with strong-arm robbery, extortion and petty-theft and could have received a sentence of thirty years to life). Sasha Abramsky (August 2001). Hard-Time Kids. The American Prospect, Volume 12. See also, Barry Krischer (December 1998). Prosecuting Violent Juveniles in Adult Court Protects Public. Palm Beach Post (stating, "I make no apology for my aggressive stance in prosecuting violent juvenile crime for what it is, an adult crime committed by a juvenile").

¹³³ Nathan Epps (March 2004). A Profile of Florida Delinquency FY 1998/99 – FY 2002/03. Florida Department of Juvenile Justice, Bureau of Data and Research (demonstrating that of the twenty Judicial Circuits in the state of Florida only the Eleventh Circuit transfers more youth to adult court than the Fifteenth Circuit – which houses Palm Beach County). See also, Palm Beach County Public Defenders Home Page, FAQ General Public at www.pbcgov.com (noting that the State's Attorney's Office can "direct file" in cases involving youth as young as fourteen).

¹³⁴ *Id.* (In year 2002-2003, 162 Black male youths were transferred to adult court, while in the same year only 88 White male youths were transferred.)

¹³⁵ See, James Q. Wilson and George L. Kelling (March 1982). Broken Windows: The Police and Neighborhood Safety. The Atlantic Monthly, Vol. 249, 29-38.

¹³⁶ For example, the New York City Police Department (NYPD) describes zero tolerance as a "full-scale strategic attack on all crime and disorder in the City. In particular it focuses on the enforcement of 'quality of life offenses' such as drinking alcoholic beverages in the street, urinating in public, panhandling, loud radios, graffiti, and disorderly conduct. By quickly addressing and correcting these minor problems, the Department sends the message that more serious crime will not be tolerated." NYPD, Frequently Asked Questions, <http://www.nyc.gov/html/nypd/html/misc/pdffaq2.html>

¹³⁷ William Ayers, Bernadine Dohrn, and Rick Ayers (2001). Zero Tolerance: Resisting the Drive for Punishment in Our Schools.

¹³⁸ "In 1986 Congress enacted mandatory minimum sentencing laws, which force judges to deliver fixed sentences to individuals convicted of a crime, regardless of culpability or other mitigating factors. Federal mandatory drug sentences are determined based on three factors: the type of drug, weight of the drug mixture (or alleged weight in conspiracy cases), and the number of prior convictions. Judges are unable to consider other important factors such as the offender's role, motivation, and the likelihood of recidivism." Drug Policy Alliance, <http://www.drugpolicy.org/drugwar/mandatorymin/>

¹³⁹ Bureau of Justice Statistics, U.S. Department of Justice Office of Justice Programs, Corrections Statistics, 2003, <http://www.ojp.usdoj.gov/bjs/correct.htm>

¹⁴⁰ Russell Skiba (Summer 2004). Zero Tolerance: The Assumptions and the Facts. Education Policy Briefs, Indiana Youth Services, Vol. 2, No. 1. David Osher, et al. (Fall 2003). Deconstructing the Pipeline: Using Efficacy, Effectiveness, and Cost-Benefit Data to Reduce Minority Youth Incarceration, 91-120. Deconstructing the School-to-Prison Pipeline. New Directions for Youth Development.

¹⁴¹ *Id.*

¹⁴² No Child Left Behind Act of 2001, 20 U.S.C.S. §§ 7102 and 7115 (2004) (Safe and Drug Free Schools and Communities).

¹⁴³ This legislation would be similar to the 1988 amendments to the Juvenile Justice and Delinquency Prevention Act passed by Congress requiring that states undertake efforts to reduce racial disparities in the state's juvenile justice system. See, e.g., <http://ojjdp.ncjrs.org/dmc/>

¹⁴⁴ Conversation with Ranjit Bhagwat, Southwest Youth Collaborative (Dec. 19, 2004).

¹⁴⁵ Interview with Robert Spicer, Community Panels for Youth (Aug. 12, 2004).

¹⁴⁶ U.S. Department of Education, National Center for Education Statistics (NCES). Statistics of State School Systems and NCES Common Core of Data; State Nonfiscal Survey of Public Elementary/Secondary Education, 1986-1987 through 2001-2002.

¹⁴⁷ U.S. Department of Education, National Center for Education Statistics, Common Core of Data, City of Chicago School District and Palm Beach County School District 2002-2003. Denver Public Schools, 2003-2004 Facts & Figures, at <http://www.dpsk12.org/aboutdps/facts/0304facts.pdf>.

APPENDICES

- I. Explanation of Offense Categories for Chicago and Palm Beach County
- II. Prevention, Intervention, and Diversion Programs
- III. Baltimore Schools Police Directive 03-20

APPENDIX I

EXPLANATION OF OFFENSE CATEGORIES FOR CHICAGO AND PALM BEACH COUNTY

CHICAGO

SIMPLE ASSAULT

- ASSAULT - SIMPLE
- BATTERY

OTHER CRIMES AGAINST PERSONS

- AGGRAVATED ASSAULT
- AGGRAVATED BATTERY
- AGGRAVATED INTIMIDATION BY GANG
- BATTERY OF UNBORN CHILD
- CRIMINAL SEXUAL ASSAULT
- DOMESTIC BATTERY
- MURDER
- ROBBERY
- STALKING - TRANSMITS THREAT

CRIMES AGAINST PROPERTY

- AID/ABET/POSSESSION/SELL STOLEN VEHICLE
- ARSON
- BURGLARY
- CRIMINAL DAMAGE TO PROPERTY
- CRIMINAL DEFACING OF PROPERTY
- RETAIL THEFT/THEFT
- VANDALISM

DRUG

- CALCULATED DRUG CONSPIRACY
- CANNABIS
- POSSESSION OF CONTROLLED SUBSTANCE

DISORDERLY CONDUCT

- DISORDERLY CONDUCT

WEAPONS VIOLATION

- DISCHARGING TOY FIREARMS
- FIREARM
- POSSESSION OF AMMUNITION
- POSSESSION/DISCHARGING AIR RIFLE
- REPLICA FIREARMS/PELLET GUNS
- SALE, DISPLAY AND USE OF UTILITY KNIVES
- UNLAWFUL TO CARRY WEAPONS

MISCELLANEOUS

- ABANDONED REFRIGERATOR
- ALCOHOLIC LIQUOR GIVE TO MINOR
- COMPEL ORGANIZATION MEMBERSHIP
- CONTRIBUTE TO NEGLECT OF CHILD
- CURFEW VIOLATION
- DOMESTIC - VIOLATION OF ORDER OF PROTECTION
- DRINKING ALCOHOL ON THE PUBLIC WAY
- ESCAPE - AID - PERMITS ESCAPE - PROBATION
- FALSE FIRE ALARMS
- GAMBLING
- HARASSMENT BY PHONE/THREATEN/ KILL
- HARASSMENT BY TELEPHONE
- ID CARD - POSSESSION FRAUDULENT ID CARD
- INCITING RIOTS
- INTIMIDATION
- ISSUANCE OF WARRANT
- MINOR DRINKING - INTOXICATION
- MINOR POSSESSION LIQUOR IN PUBLIC
- MOB ACTION
- POSSESSION OF PAINT/MARKER WITH INTENT TO DEFACE
- PERMIT REQUIRED - AIR/TOY WEAPONS
- PIERCING BODY OF A MINOR
- POSSESSION OF PAINT/MARKER WITH INTENT TO DEFACE
- POSSESSION OF SPRAY CAN/MARKER BY UNDERAGE PERSON
- PUBLIC INDECENCY/LEWD EXPOSURE
- RECKLESS CONDUCT
- RESIST/OBSTRUCT-PEACE OFFICER
- SALE/USE/EXPLOSION OF FIREWORKS
- SOLICITING UNLAWFUL BUSINESS
- TELEPHONE HARASSMENT BAIL
- TELEPHONE/COMMUNICATION
- WIRES-OBSCENE MESSAGES
- THREATEN A PUBLIC OFFICIAL
- TRESPASSING

PALM BEACH COUNTY

SIMPLE ASSAULT

- ASSAULT ON STUDENT/STAFF/POLICE
UNARMED
- AFFRAY

OTHER CRIMES AGAINST PERSONS

- BATTERY SCHOOL BOARD EMPLOYEE/
LAW
- ENFORCEMENT OFFICER
- AGGRAVATED BATTERY
- ROBBERY STUDENT/STAFF
- SEX OFFENSE/SEX BATTERY
- RESISTING

CRIMES AGAINST PROPERTY

- CRIMINAL MISCHIEF
- ARSON/MALICIOUS BURNING
- THEFT/LARCENY
- VANDALISM
- FIRE EXTINGUISHER

DRUG

- ALL POSSESSIONS
- ALL DRUGS

DISORDERLY CONDUCT

- DISRUPTION

WEAPONS VIOLATIONS

- KNIFE
- FIREARM

MISCELLANEOUS

- MISCELLANEOUS
- BRIBERY/FORGERY
- FAIL TO APPEAR
- THROWING MISSILE
- LEWDNESS
- WARRANT ARREST/COMMUNITY
CONTROL/VIOLATION OF PROBATION
- RESIST
- OBSTRUCT
- TRESPASS
- BOMB THREAT
- FALSE IMPRISONMENT
- INTIMIDATION
- CHILD ABUSE

APPENDIX II

PREVENTION, INTERVENTION, AND DIVERSION PROGRAMS

(Note: These programs have not been evaluated as part of this report and therefore are not being endorsed.)

Blueprints for Violence Prevention, a national initiative of The Center for the Study and Prevention of Violence at the University of Colorado at Boulder, has identified model prevention and intervention programs that “meet a strict scientific standard of program effectiveness.” Some of these model programs are described below. A complete list of the programs and other promising initiatives may be found at www.colorado.edu/cspv/blueprints/.

- **Big Brothers Big Sisters of America:** This program provides services to 6- to 18-year-old disadvantaged youths from single-parent households. The goal of the program is to develop a caring relationship between youths and adult mentors. For more information, go to www.bbbsa.org
- **Bullying Prevention Program:** This program provides services to primary and secondary school students. The goal of the program is to reduce victim-bully problems among these students, achieve active involvement from parents and teachers, develop clear rules against bullying behavior, and provide support and protection for victims. For more information, go to www.clemson.edu/olweus
- **Life Skills Training:** This drug-use-prevention program serves junior high/middle school students. The three basic components of the program are to teach youth personal self-management skills (e.g., decision making and self-control), social skills, and skills to resist drug use. This training is taught by classroom teachers. For more information, go to www.lifeskillstraining.org

Other prevention and intervention programs that are readily utilized in schools across the country are:

- **Second Step Violence Prevention Program:** This program teaches elementary and middle school students how to deal with emotions, resist impulsive behavior, solve problems, and resolve conflicts. For more information, go to www.cfchildren.org/
- **Positive Behavioral Intervention and Supports (PBIS):** This program teaches “proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments.” Implemented primarily in elementary and middle schools, PBIS recognizes that the strict implementation of punishment (suspensions, expulsions) in the absence of other positive strategies is ineffective. It provides training to teachers and parents about effective classroom and non-classroom management of students’ behavior. For more information, go to www.pbis.org/schoolwide.htm
- **Peer Mediation Program:** This program trains students on how to mediate peer issues such as rumors, name calling, minor harassment, and fights. It is offered at elementary, middle, and high schools. For more information, go to www.cmsp.org/programs/peer_med.htm

- **Peer Jury:** This program trains students to serve as jurors who will analyze the facts of a student's school discipline case, ask questions, and make decisions about the appropriate consequences. "By allowing students to take leadership roles in every level of the process, including the development, planning, and implementation of the program, the juries redefine the role of youth in addressing student misconduct." For more information, go to www.peerjury.com

Youth diversion programs provide an alternative to channeling youth through the juvenile justice system. Instead of going to juvenile court, youth are referred to community-based programs that, if completed successfully, will help them avoid a juvenile record. One such program that is growing more and more popular nationwide is:

- **Teen Court:** This program typically serves youth aged 14 to 16 years old who are first-time offenders and have been charged with non-violent offenses (e.g., vandalism). Instead of going to juvenile court and risking formal prosecution, these youths will participate in a hearing where teenagers serve as the attorneys, jurors, and in some cases judges. For more information, go to www.youthcourt.net

APPENDIX III

BALTIMORE SCHOOL POLICE

POLICE DIRECTIVE 03-20

AUGUST 2003 (Original Date)

DIVERSION AND EARLY BEHAVIORAL INTERVENTION INITIATIVE

I. POLICY

The Baltimore School Police Force (BSPF) uses three strategies—Prevention, Early Behavioral Intervention, and Diversion—to accomplish departmental goals. Specifically, Diversion is an intervention process that is used to address the BSPF goals “to decrease the need for youth to enter the juvenile justice system” and “to identify conditions, policies, practices, and decisions contributing to over-representation of minority youth in the juvenile justice system.” Early Behavioral Intervention is an intervention process designed to address the BSPF goals “to provide an alternative to filing criminal charges” and “to reshape inappropriate youth behaviors.”

The Diversion process is used when arrest is the appropriate response to student behavior.

The Early Behavioral Intervention process is used in lieu of or prior to filing criminal charges:

- when student behaviors are disruptive and arrest is not applicable, or
- when arrest is discretionary, or
- when a victim agrees to attempt an intervention.

II. PURPOSE

The purpose of this directive is to establish guidelines governing access and use of Diversion and Early Behavioral Intervention initiatives by Baltimore City Public School System (BCPSS) personnel.

III. INTERVENTION RESOURCES (See attached brochures for descriptions of organizations and intervention processes.)

Diversion resources that may be accessed:

- Teen Court
- Community Conferencing

Early Behavioral Intervention resources that may be accessed:

- Teen Court
- Community Conferencing
- Community Mediation

POLICE DIRECTIVE 03-20

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REVISED DATE SEP 2004

DRAFT

IV. ELIGIBLE YOUTH

A. Teen Court

Youth is eligible for consideration for **Teen Court** when the following conditions apply:

- Youth is a Baltimore City resident.
- Youth is between the **ages of 11 and 16**.
- Youth is charged with minor offenses listed in **Section V—Eligible Offenses**. See also, the offenses listed in Attachment 3—Teen Court Eligibility Criteria:
 - Youth has less than 3 prior arrests for minor offenses within four (4) years.
 - Youth's parent/guardian is willing to be involved.
 - Youth admits guilt/involvement in the offense.
 - Youth is not currently under the supervision (pre-court or formal) of the Department of Juvenile Services.
 - Youth does not have charge(s) pending with the State's Attorney's Office.
 - Youth is not a repeat CDS (Controlled Dangerous Substances) offender.
 - Youth has no prior arrest(s) for felonies.
 - Firearms were not involved.

B. Community Conferencing

Youth is eligible for consideration for **Community Conferencing** when the following conditions apply:

- Youth is between the ages of **6 and 17**. (Community Conferencing is the most appropriate intervention for elementary school and K-8 school students.)
- Youth is charged with minor offenses listed in **Section V—Eligible Offenses**.
- Youth is involved in conflicts or incidents related to issues of gender identity and sexuality or sexual harassment.
- Youth is involved in conflicts involving many individuals from school and/or community.
- Youth's parent/guardian is willing to be involved.
- Youth admits involvement in the offense.
- Youth is not a repeat CDS (Controlled Dangerous Substances) offender.
- Youth has no prior arrest(s) for felonies.

C. Community Mediation

Youth is eligible for consideration for **Community Mediation** when the following conditions apply:

- Youth is **age 13 or older**.
- Dispute is between fewer than 12 people.
- Dispute is between:
 - a. students, or
 - b. students and parent, or
 - c. students and staff, or
 - d. staff and parents
 - e. community

V. ELIGIBLE OFFENSES & INCIDENTS

Tier 3 Offenses—Appropriate for Arrest and Diversion

A youth is eligible for Diversion when charge is an offense listed below:

- Aggravated Assault
- Arson
- Auto Theft
- B&E/Burglary
- Bomb Threat (phone)
- Destruction of Property (more than \$500)
- Drug Possession
- Drug Possession with Intent
- Extortion (more than \$500)
- Robbery/Attempted Robbery
- Robbery, Armed
- Sexual Harassment
- Theft (more than \$500)
- Weapon Possession

Tier 2 Offenses—Appropriate for Early Behavioral Intervention by BCPSS Personnel

A youth is eligible for Early Behavioral Intervention when misdemeanor charges are discretionary:

- Assault by Threat
- Assault on Police
- Assault on Staff
- Assault on Student
 - Bomb Threat (verbal)
 - Disorderly Conduct
 - Destruction of Property (less than \$500)
- Extortion (less than \$500)
- Fighting
- Inciting/Participating in Disturbance
- Malicious Burning (Fire)
- Theft (less than \$500)
- Trespassing
- Vandalism (less than \$500)

Tier 1 Offenses—Appropriate for Early Behavioral Intervention by School Resource Specialists and School Administrators

A youth is eligible for Early Behavioral Intervention when behavior is antisocial and disruptive. Youths are eligible when conflicts are ongoing or difficult to resolve:

- Classroom Disruption
- Disrespect
- Harassment (Bullying)
- Insubordination
- Refusal to Obey School Policies
- Ongoing Disputes

VI. PROCEDURES

A. DIVERSION

The administrative process for initiating Diversion is as follows: School Police Officer will

- Arrest the student(s).
- Inform the Student(s) and School Administration of the Diversion process.
- Prepare a "Baltimore Police Offense/Incident Report."
- Prepare a "Baltimore School Police Incident Stat Sheet."
- Submit the signed Crime Stat Sheet to BSPF Administrative Staff within 24 hours.

B. EARLY BEHAVIORAL INTERVENTION

The administrative process for initiating Early Behavioral Intervention is as follows:

School Police or Resource Specialist will

- Inform the Student(s) and School Administration of the Early Behavioral Intervention process.
- Obtain consent (verbal) of School Administration for Early Behavioral Intervention. Note: for a Community Conference, School Administration must be willing to participate in the intervention.
- Obtain consent (verbal) of victim(s) and offender(s). All involved parties must be willing to participate in the intervention.
- Prepare a "Baltimore School Police Force Referral Form." Obtain a BSPF In-House Referral Number from BSPF Communications at x6-8590/ or x6-8591. (See attachment.)
- On the referral form, check the appropriate Referral Organization as listed in Section III—Resources.
- On the referral form, list names, addresses, and phone numbers for the following persons involved with the case:
 - a. Student(s)
 - b. Parent(s)/guardian(s)
 - c. School administrator(s) or staff (Include this information under the "Narrative" section on the referral form.)
 - d. School Police Officer/School Resource Specialist(s) (Include this information at the bottom of the "Narrative" section.)
- Prepare a "Baltimore School Police Incident Report Summary/Incident Stat Sheet." (See attachment.)
- On the stat sheet, check the appropriate Referral Organization as listed in **Section III—Intervention Resources**. Write the BSPF In-House Referral Number in the upper left box or in the box labeled "CC#" (Centralized Complaint #).
- Submit the signed Referral Form and Incident Report Summary to BSPF Administrative Staff within 24 hours.

C. BSPF ADMINISTRATIVE STAFF ACTION

The administrative process for transmitting referral information is as follows:

BSPF administrative staff will

- Check referral form for complete information (names, addresses, phone numbers of students, caregivers, school personnel, School Police Officers, AND School Resource Specialists involved with the case).
- Check for prior offenses/record on student (Community Conferencing referrals only).
- Fax the Referral Form to the appropriate Referral Organization as listed in **Section III—Intervention Resources.**
- Check Special Education Tracking System (SETS) or School Administration Student Information (SASI) for the Pupil Identification Number. Include this number on the Referral Form and Crime Stat Sheet.
- Check Special Education Tracking System (SETS) or School Administration Student Information (SASI) for status of student as special education/general education.
- Notify (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST) chairperson, and (3) Office of Suspension Services (OSS) in writing that referral was made. Recommend conducting a Functional Behavioral Assessment (FBA) and developing a Behavioral Intervention Plan (BIP) and including BSPF staff as implementers on the BIP.
- Forward copy of the Case Disposition Notification Form to (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST), and (3) Office of Suspension Services.
- Whenever BSPF has not received a Case Disposition Notification Form from the Referral Organization within 90 days of the Incident, contact the Referral Organization for the disposition. If criminal investigation is required, victim (parent) will be advised to contact the appropriate police authority.
- Report case to (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST), and (3) Office of Suspension Services if Referral Organization reports an unsuccessful outcome.
- Meet with the Office of Student Suspensions (OSS) on a monthly basis to compare information on students who are referred to OSS by school administrators and also are referred to Early Behavioral Interventions by BSPF.

VII. CANCELLATION NOTICE

This Police Directive supercedes any previously issued directives, general orders, or standard operating procedures.

VIII. EFFECTIVE DATE

This Police Directive shall become effective on September 1, 2004.

Authority:

Paul R. Benson, Sr., Chief of Police Date

I hereby certify that I have read and understand this directive:

Member's Signature Date

Attachments (5)

Brochures (3)

- Community Conferencing
- Community Mediation
- Teen Court

Forms (2)

- BSPF Referral Form
- BSPF Incident Report Summary/Incident Stat Sheet

