



# BLACK, BROWN, AND OVER-POLICED IN L.A. SCHOOLS:

**Structural Proposals to End the School-to-Prison Pipeline in the Los Angeles Unified School District and to Build a National Movement to Stop the Mass Incarceration of Black and Latino Communities**

 **The LABOR/COMMUNITY Strategy Center**



A report by  
**Community Rights Campaign  
of the Labor/Community Strategy Center**  
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# **Black, Brown and Over-Policed in LA Schools**

Structural Proposals to End the School-to-Prison Pipeline in the Los Angeles Unified School District and to Build a National Movement to Stop the Mass Incarceration of Black and Latino Communities.



## About the authors

The **Community Rights Campaign** is a project of the Labor/Community Strategy Center. The Community Rights Campaign's lead organizers are **Manuel Criollo, Ashley Franklin, and Barbara Lott-Holland.**

We are leading a long-term campaign to challenge suppressive, pre-prison conditions in Los Angeles public schools. We believe it is parents, teachers, and students—not police, tickets, and courts—who will lead the way to transforming our schools.

Since our launch in 2007, the Community Rights Campaign has built a grassroots civil and human rights movement of youth, teachers, parents, and community members that works with advocacy organizations and decision-makers to break from exclusionary “zero tolerance” discipline policies that criminalize Black and Brown youth and establish real alternatives that can transform the school climate to support students, protect their rights, and keep them in school and away from a jail cell.

The Community Rights Campaign's grassroots organizing model is led by Haewon Asfaw, Carlos “Elmo” Gomez, Carla Gonzalez, and Melissa “Mello” Lemus.

While we take sole responsibility for this report and any errors it may contain, we want to acknowledge all the organizations who are helping to build a movement to end the school-to-prison pipeline, many of whom are named herein.

Thank you to the hundreds of young people, parents, teachers, organizers and leaders who are the Community Rights Campaign. Our movement is the engine of history.

**Writing, Research, Editorial:** Jim Freeman, Daniel Kim, Zoe Rawson

**Design:** Burt Vera Cruz

**Maps:** Adriana Quiquívix

**Data support:** Julian Lamb



## SECTION 1

# INTRODUCTION

### THE CIVIL RIGHTS CROSSROADS

This report is being issued on the 50<sup>th</sup> anniversary year of the March on Washington. All who gathered there and who looked on with such hope in 1963 could foresee hard fought victories on the horizon: finally defeating legal racial segregation and passing the 1964 Civil Rights Act and the 1965 Voting Rights Act. Yet it would have been hard for them to imagine the election of the first Black president of the United States only 45 years later.

In 1963, at such a time of hope, it would have been just as hard to imagine that four decades later the U.S. would have become the world's largest jailer, with mass incarceration enveloping whole Black and Latino

communities. 200,000 people were incarcerated in the 60s; today 2.5 million people are behind bars, nearly 60% of them Black and Latino. It would have been difficult in 1963 to imagine that the U.S. government would initiate a War on Poverty and then reverse it by launching a war on the poor, slashing the social services legacy of Franklin D. Roosevelt under a two-party pledge to “end welfare as we know it.” And for anyone who was moved by Dr. King’s dream of true racial equality for “all of God’s children,” the creation of a “school-to-prison pipeline” for Black and Brown youth would have been incomprehensible.

### HOPE, CONTRADICTION AND A CALL FOR LEADERSHIP IN LOS ANGELES SCHOOLS

Today the Los Angeles public school system is at a parallel moment of hope and contradiction. In the last two years, through dramatic reductions in truancy and tardy ticketing under the Daytime Curfew law and most recently through the passage of the

School Climate Bill of Rights,<sup>1</sup> Los Angeles has made significant progress in reversing “zero tolerance” disciplinary policies that repress and criminalize the overwhelmingly Black and Latino youth of the public school system. For some, these reforms are seen as encouraging first steps; for others, they represent the end of the road. This report argues that while we have made very encouraging initial changes in policy, more structural, comprehensive, and enforceable remedies are urgently needed.

For those of us who work every day with the youth of the Los Angeles Unified School District (LAUSD), we understand only too well that when students arrive at school, many of them have already “overcome” almost unimaginable conditions of overcrowding, unemployment, hunger, poor housing, poor public transportation, medical problems, and family stress. While the LAUSD and its School Police Department (LASPD) are not responsible for those conditions, we can all agree that the role of public schools in communities experiencing great poverty and societal discrimination is to do everything we can to create a supportive, tolerant, appreciative school climate and end the criminalization of their childhood and adolescence.

## **DAYTIME CURFEW: A GATEWAY FROM SCHOOL TO JAIL**

In February 2012, Los Angeles was the site of one of the most important breakthroughs in recent years for the national movement to end the criminalization of youth in public schools that leads toward the mass incarceration of Black and Latino people. The Community Rights Campaign led a broad effort—with our allies ACLU and Public Counsel, the support of the L.A. Chapter of the Dignity in Schools Campaign,<sup>2</sup> and the outstanding leadership of former L.A. Councilmember, now Congressman Tony Cardenas—to amend Los Angeles Municipal Code 45.04, the

Daytime Curfew. LAMC 45.04 was the #1 cause of police referrals of students into the juvenile system from LAUSD, the country’s second largest school district.

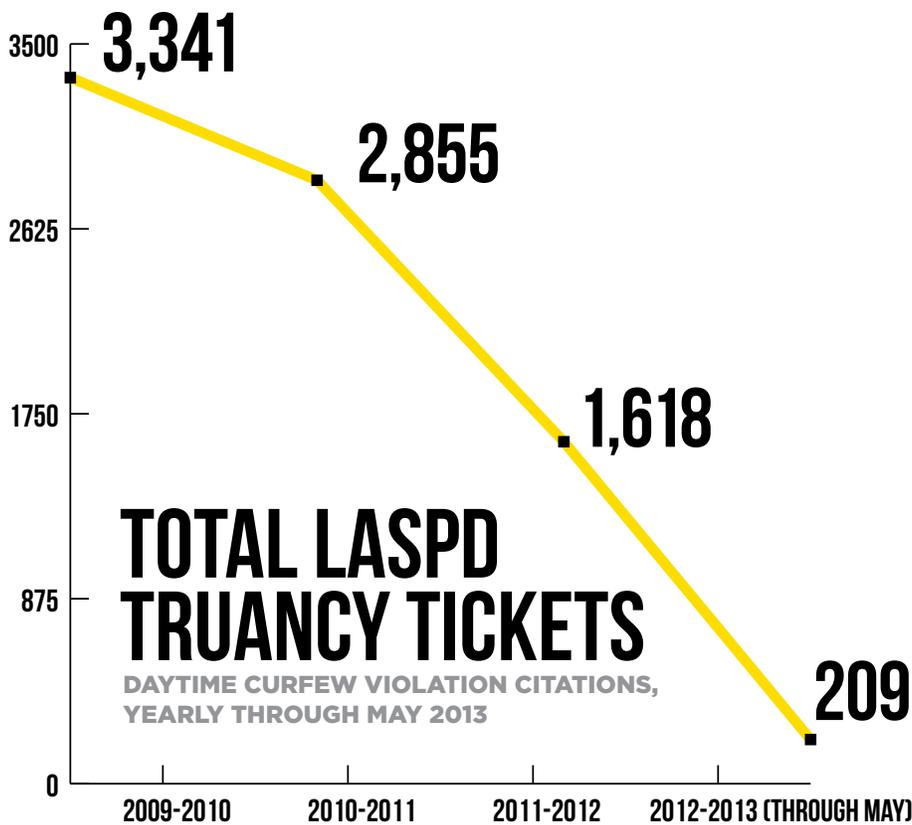
Police had been sweeping up and ticketing more than 10,000 public school students every year, over 90% youth of color, for being absent or late to school. Most LAUSD Black and Latino working class, low-income families could simply not afford the \$250 tickets, the additional \$1000 in court fees, and the missed days of work to attend the required court hearings. Unpaid fines accumulated over the past decade have resulted in driver’s license holds for upwards of 300,000 youth, many of whom are now adults.<sup>3</sup>

## **ROLLING BACK TRUANCY TICKETING, SHIFTING THE PUBLIC DEBATE**

It took six years of uphill organizing to roll back LAMC 45.04. The Community Rights Campaign engaged thousands of youth, parents, teachers, community members and allies to speak out against the educational, civil and human rights harms that go beyond the tickets themselves. By systematically enabling and encouraging punitive ticketing at school, this curfew law had been a literal gateway to juvenile court, and in some cases even juvenile detention, for many of our youth. On February 12, 2013, we packed city council chambers and won a 14-0 unanimous vote led by Councilmembers Tony Cardenas and Bernard

# **WHO ARE LAUSD STUDENTS?**

- ▶ 662,000 students, 2nd largest school district population in the country after NYC
- ▶ 88% students of color, including 72% Latino, 10% Black, 10% white, 4% Asian
- ▶ 80% qualify for free or reduced cost lunch
- ▶ 56% graduation rate



**2006-2007** CRC launches campaign to decriminalize tardiness and truancy

**April 2011** LAPD directive to scale back truancy ticketing

**August 2011** CRC holds community forum with Judge Nash and School Attendance Task Force

**Sept 2011** City Councillor Tony Cardenas introduces motion to amend LAMC 45.04

**Oct 2011** LASPD directive to scale back truancy ticketing

**Feb 2012** City Council passes LAMC 45.04 amendment

Parks to radically reduce the tickets and fines imposed on students.

Today in LAUSD, the most visible signs of the Daytime Curfew—the morning “tardy sweeps” by police in front of schools, cafeterias turned into ticketing stations—have nearly ended. The fines of \$250 and more, with mandatory court appearances, have been virtually eliminated, truancy and tardy citations by the school police department are down by as much as 80%, and youth having serious attendance problems are being sent to counselors instead of courtrooms. Officials now talk of “being there for

youth and listening” instead of “zero tolerance.” Recently, LAUSD took another step responding to community organizing by passing a School Climate Bill of Rights

that addresses push-out policies such as suspensions for “Willful Defiance” and commits to defining and limiting the role of school police on campus.

These movement victories sent waves around the country because they mark an historic turn away from decades of “zero tolerance” school discipline policy. As the public debate has shifted, there seems to be growing momentum for reversing the pre-prison environments of public schools.

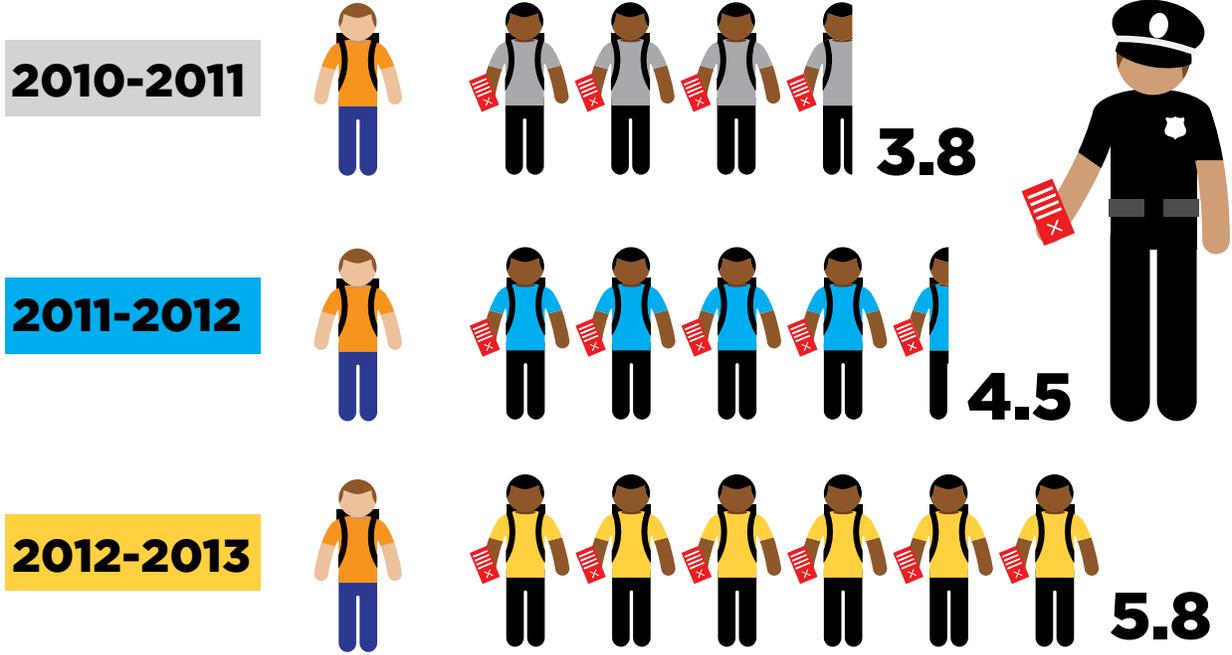
### REAL PROGRESS, BUT IS IT ENOUGH?

In this report, we examine new LAUSD school policing data for the previous school year (2012-2013). And we compare it against data for the year prior (2011-2012).<sup>4</sup> Through this comparison, the data gives us a picture of significant early progress that must be protected and supported. LAUSD and LASPD have reduced truancy ticketing by 80%. School police ticketing across all categories is down by as much as 50%.

School police ticketing across all categories is down by as much as 50%.

# RACIAL DISCRIMINATION INDEX | POLICE TICKETS

Ratio of citations per Black student to citations per white student  
Calculation explained on p28.



This is real progress that our movement should be proud of having won, as should the L.A. City Council, LAUSD board members, LASPD, the Los Angeles Police Department (LAPD), and the Juvenile Court, who all supported the major change in policy. Our grassroots movement has helped to change the terms of the debate and this is reflected in a very positive shift in how the district is thinking about school discipline.

### THE CIVIL RIGHTS CRISIS IS STILL PROFOUND

At the same time, the data shows an urgent need for more comprehensive solutions.<sup>5</sup> LAUSD's job is not done. Even as overall numbers have come down, the intense racialization of tickets and arrests has worsened. A Latino student continues to be more than twice as likely to be ticketed and arrested at school than a white student. Over the past year, a Black student went from being four and a half times more

likely to almost six times more likely to be ticketed and arrested at school than a white student.

For specific categories of tickets, racial discrimination intensifies such that Black and Latino students are 6 times to 29 times more likely than white students to be ticketed for the same exact behavior. Statistics like these raise the question of whether it has become social policy to criminalize Black and Latino youth for behaviors that are considered normal and acceptable for white students. Virtually all of these tickets and arrests are for minor incidents that schools traditionally handled

**LAUSD'S JOB IS NOT DONE. OVERALL TICKETING NUMBERS HAVE COME DOWN BUT THE INTENSE RACIALIZATION OF TICKETS AND ARRESTS HAS WORSENERD.**

without criminalizing youth prior to the onset of school policing—skipping class, smoking, drinking, writing on desks or walls, getting into fights.

## **TWISTED SYMBOLS, BROADER SOCIAL PRIORITIES**

In spite of the progress of the past year, school policing is still a daily reality for the Black, Latino, and low-income youth of L.A.'s public schools. The roots of the problem run deep in LAUSD, which in 2011-2012 led the country among large school districts for criminalizing students, as we show below (see page 10). The school-based tickets and arrests remain a powerful symbol of how twisted our broader social and educational policies have become.

We live in a state that invests more in prisons than higher education. California is #1 in the country for prison spending per person and #49 in education spending per person.<sup>6</sup> These gaps would only get worse under recent proposals by Governor Brown to expand prison spending upwards of \$730 million, over the next two years. The state is cutting teachers, counselors and important programs from our schools. California now has just 1 counselor for every 1016 students, the worst ratio in the country.<sup>7</sup> Many schools now have more police and security than guidance counselors. Under present policies—which must be reversed—our schools are more equipped to prepare our youth for prison, not a college or career path.

## **OUR GENERATION'S FIGHT AGAINST SEPARATE AND UNEQUAL EDUCATION**

One of the defining civil rights questions for our generation is this: Will we stand up for education, not incarceration? We can and must break from these policies of disinvesting in our youth and criminalizing them, and advance toward policies that truly reinvest

in our youth, to keep them in school and away from a jail cell. This is key to our generation's fight against separate and unequal education.

We call upon the School District, City Council, Mayor, and law enforcement agencies to take immediate action to reverse the continuing violations of students' civil and human rights that are having devastating implications for our communities' overall health and prosperity.

## **A COMMON BASELINE FOR MOVING FORWARD**

We were very heartened to hear the statements of officials at the May LAUSD board vote for the School Climate Bill of Rights. The president of the Los Angeles School Police Association, James Ream, stated:

*As a 20-year veteran officer, I have seen the pendulum swing back and forth on this issue. A lot has changed. This is 2013, not 1999, and the LA School Police Department, with the support of our chief, recognizes this. We have changed by leaps and bounds to bring our practices and philosophies current so that we not using citations and using discretion whenever possible.*

At that same vote, Superintendent Deasy explained that, as a science and math teacher, he took a long, careful look at the numbers of "Willful Defiance"

**"This is 2013, not 1999, and the L.A. School Police Department, with the support of our chief, recognizes this. We have changed by leaps and bounds to bring our practices and philosophies current so that we not using citations and using discretion whenever possible."**  
James Ream, President, L.A. School Police Association

suspensions and came to the conclusion that the high level of disproportionality—where young Black men were being suspended at nine times the rate for whites—compelled the district to address it. He reiterated his commitment to ending “*early criminalization and the school-to-prison pipeline as part of the unintended consequences of district policies.*”

Then Board Member Mónica García (Board President at the time) encouraged our student members and leaders:

*“I came to tell you that you are our leaders. Help us turn our schools around. Help us recruit more brothers and sisters to the path of graduation. Your energy is right. You saw a problem. You organized for a solution. And remember when you win, there’s a responsibility to implement and see it through.”*

We see these views as creating a powerful baseline for moving forward with a district led by board members who have championed this issue—especially Mónica García—and board members who voted resolutely to support rolling back truancy and tardy ticketing and to enact the School Climate Bill of Rights. We are encouraged by LASPD Chief Steve Zipperman’s leadership, his commitment towards community engagement and transparency through the sharing of data with the L.A. Chapter of the Dignity in Schools Campaign.

It’s time for California to write a new chapter, with LAUSD and our movement in the lead. Let’s stop alienating and pushing students away from school. Instead of handing over responsibility for student discipline, school safety, and school climate to law enforcement, courts, and the penal system, let’s use the energy of youth, parents, teachers, and administrators to create the schools and communities our people deserve.

## The Community Rights Campaign’s Equal Protection Plan

A real commitment to ending the civil rights crisis of the school-to-prison-pipeline will require policies that delineate the role of police at school and prevent the widespread use of tickets and arrests.

### THE PURPOSE OF THIS REPORT IS:

1. To mark the progress of the movement to dismantle the school-to-prison-pipeline in LAUSD;
2. To present the most current data and the ongoing civil rights harms of tickets and arrests at school;
3. To call on LAUSD and LASPD to
  - a) cease tickets and arrests for all school discipline matters
  - b) end all LASPD ticketing and arrests for elementary and middle school students
  - c) ensure civil rights remedies at schools where tickets and arrests demonstrate racial inequities
  - d) implement the further recommendations contained within the Equal Protection Plan attached to this report, a comprehensive sample policy to further define and limit the role of police in schools and to build robust school- and community-based alternatives for discipline.
4. To highlight additional solutions beyond LAUSD at the local, state and national level that can strengthen the movement to stop the criminalization of Black and Brown youth in our schools and communities.

## SECTION 2

# THE OVERSIZED ROLE OF POLICE IN LOS ANGELES SCHOOLS

*It would be difficult to find any group of non-incarcerated people in the U.S. who have had more contact with law enforcement on a daily basis than Los Angeles public school students.*

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### DAILY CONTEXT OF YOUTH POLICING

#### **GROWING UP POLICED, GOING TO SCHOOL POLICED IN LOS ANGELES**

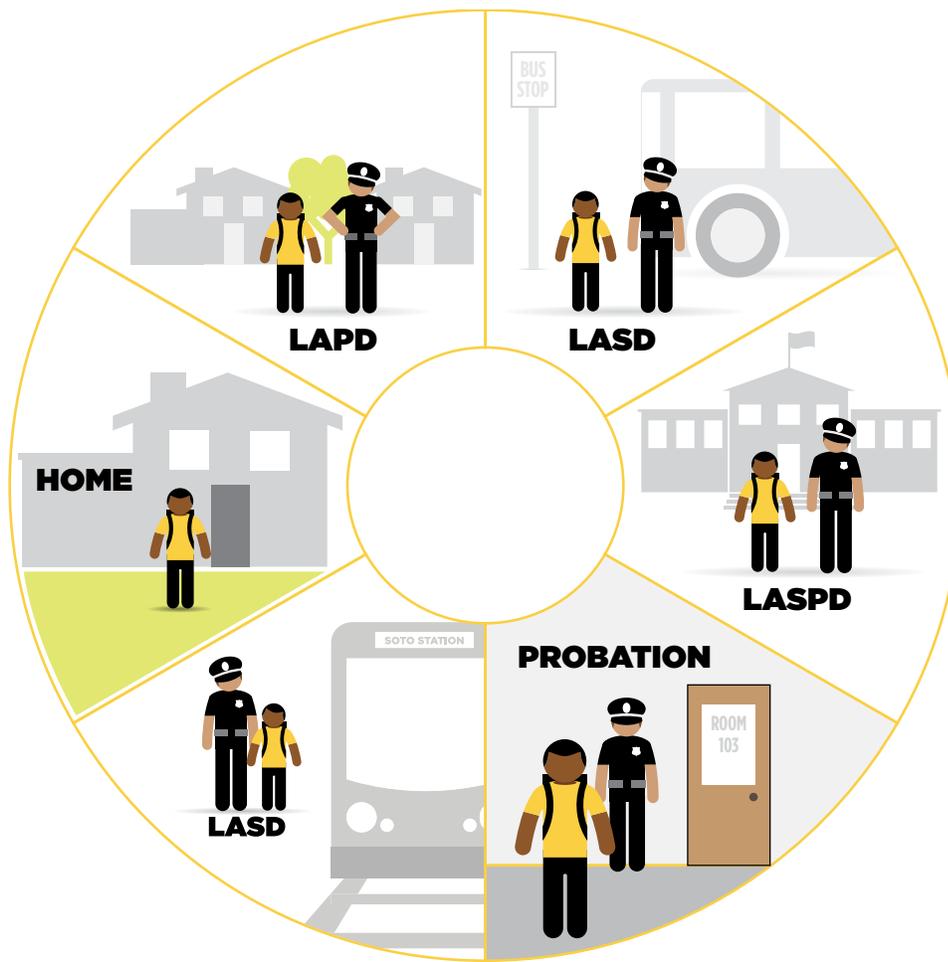
Research has demonstrated that having police in schools puts students at greater risk of unnecessary involvement in the juvenile system through the criminalization of behaviors traditionally resolved through standard school discipline policies.<sup>8</sup>

In many cities, school districts will contract with local police departments to have officers assigned to schools. LAUSD is one of a handful of districts which runs its own dedicated police department: the Los Angeles School Police Department (LASPD).

**LASPD** LAUSD's dedicated school police department is the largest of its kind and has over 350 sworn police officers, 126 non-sworn school safety officers (SSO), and 34 civilian support staff, with an annual budget of over \$52 million.<sup>9</sup> LASPD officers are stationed at most high schools and many of the middle schools, especially in predominantly Black and Latino communities. LASPD and LAUSD policies are the focus of this report but it is not the only agency involved.

**LAPD** The L.A. Police Department also has a strong presence in Black and Latino communities and schools. LAPD officers write tickets and arrest youth for many of the same behaviors that are targeted inside the school grounds: underage smoking or drinking, tagging/graffiti, getting into fights. Neighborhood policing of youth also results in stops by LAPD, questioning, pat downs and bag searches—all tactics in the endless “war on drugs,” “the war on crime,” and “the war on gangs” that besiege poor and working-class communities of color.

**L.A. COUNTY SHERIFF** Students are routinely at risk of being criminalized on their way to and from school on public transit by the L.A. Sheriff's



*It is a common experience in many low-income Black and Latino neighborhoods for a student to walk out their door in the morning and run a gauntlet of LAPD in their neighborhood, then LASD patrols on public transit, then LASPD and Probation at their school all day, at the front gate, in the halls, the cafeteria at lunch, in random bag searches during their classes. At the end of the day, they must pass through the same gauntlet in reverse to get home.*

Department (LASD), which provides all transit policing services under contract with L.A. Metro (MTA SD). “Fare evasion” is currently the #1 category of police referral for youth across L.A. County, accounting for 27% of all tickets issued countywide with numbers approaching the dramatic levels of truancy ticketing at its worst.<sup>10</sup> “Fare evasion” can operate as a “stop and frisk” type of offense by empowering LASD and the MTA transit police to stop and question youth on public transit, often resulting in unnecessary searches. In addition to patrolling public transit, LASD deputies are stationed in many schools in areas of the school district that fall outside of L.A. City boundaries. In a society of such enormous wealth and unbearable poverty, it is beyond comprehension that police are used to arrest young people for the suspicion or “offense” of not paying their fare.

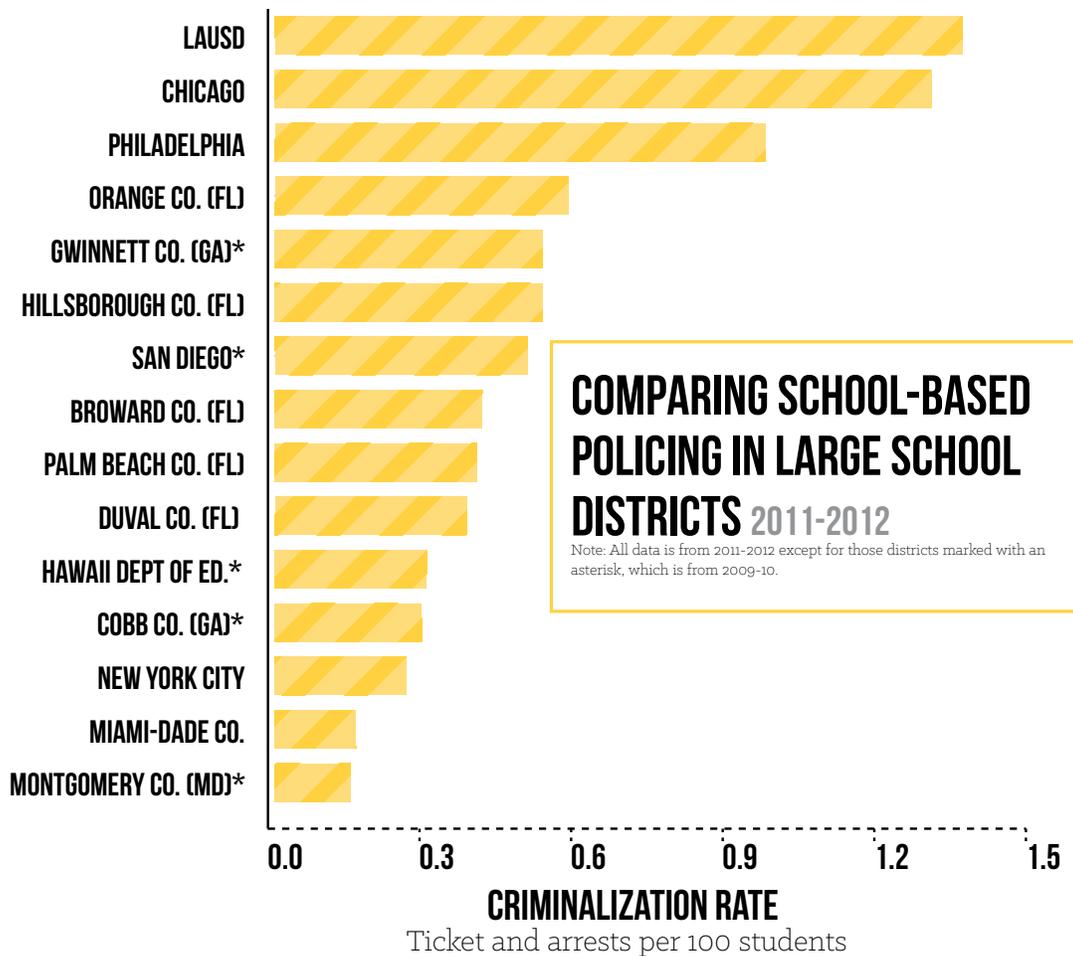
**L.A. COUNTY PROBATION** In addition to LASPD officers, LAUSD schools have probation

officers assigned to them. In many schools, probation officers are present every school day.

**LASPD TICKETS & ARRESTS IN NATIONAL COMPARISON, 2011-2012**

**LOS ANGELES HAS LED THE COUNTRY IN CRIMINALIZING STUDENTS**

We compared LAUSD to the 15 largest school districts for which data was available, and calculated each district’s “Student Criminalization Rate,” which is the number of arrests and tickets/citations per 100 students in the district.<sup>11</sup> LAUSD had the highest Student Criminalization Rate of all its peer large districts in 2011-2012. It criminalized its students at five times the rate of New York City, and almost nine times the rate of Miami-Dade, both of which have their own well-documented problems with over-policing of schools.<sup>12</sup>



During the 2011-2012 school year, there were a total of 8,993 arrests and tickets of students by LASPD, which is more than any other district has reported.<sup>13</sup> To put that in perspective, the entire state of Pennsylvania – which has faced intense criticism for its use of police in school – had only 5,837 for a student population of 1.8 million.<sup>14</sup>

**LASPD TICKETS & ARRESTS BY RACE, 2011-2012**

**CIVIL RIGHTS VIOLATIONS & THE CRIMINALIZATION OF BLACK AND LATINO YOUTH**

The over-policing of Los Angeles schools overwhelmingly impacts Black and Latino youth. In

2011-2012, 93% of all LAUSD arrests and tickets went to Black and Latino students.<sup>15</sup>

Compared to white students within LAUSD, Latino students were 2.6 times more likely to be arrested or ticketed, and Black students were 4.5 times more likely.

Parents and youth have long known that Los Angeles students receive radically different school disciplinary consequences depending on where they attend school and how they are perceived by the disciplinarians. Evidence strongly suggests that these racialized punishments are not caused by differences in student behavior, but rather by differences in adult responses to that behavior.<sup>16</sup> In fact, studies routinely find that the racial demographics of a school and

## WHEN YOU GET AN LASPD TICKET, DOES IT MATTER WHAT COLOR YOU ARE?

2011  
-  
2012



Latino students are **2.6 times** more likely than white students to get ticketed.



Black students **4.5 times** more likely than white students to get ticketed.

in 2011-2012, some were as young as six or seven years old. Overall, nearly half of the arrests and tickets – 4,115 – were of youth ages 14 and under.

The data represent what countless students and parents have described and experienced when transitioning from elementary to middle school when youth are between 12 and 14 years old. Suddenly the school climate shifts sharply towards punishment and “zero tolerance.” Coming from elementary school,

the percentage of students identified as low-income are associated with higher percentages of the same offenses being reported to the police, rather than handled through the school.<sup>17</sup>

6<sup>th</sup> graders often experience a shock encounter with a more chaotic and hostile school environment that too often includes unhealthy exposure to an escalated

### LASPD TICKETING & ARRESTS BY AGE, 2011-2012

## WELCOME TO MIDDLE SCHOOL, WELCOME TO SCHOOL POLICING

What makes the civil rights harms even more destructive is the young ages at which school policing begins.

***Student criminalization in LAUSD not only hits Black and Latino youth the hardest, but it hits them very young.***

Among the many thousands of students who were introduced – or reintroduced – to the juvenile system

## 2011-2012 LASPD ARRESTS AND TICKETS BY AGE

AGE	NUMBER OF TICKETS AND ARRESTS
6	1
7	1
8	1
9	5
10	10
11	205
12	698
13	1,455
14	1,739
15	1,867
16	1,672
17	1,226



**46.3%**  
WERE 14 AND UNDER

Denver Police Chief Robert

White: *“We have, as the police, no desire to be disciplinarians. That’s not our job. That’s the parents’ job, that’s the schools’ job. Our job is to deal with serious violations of the law and that’s what we’re going to do.”*

Responding to a grassroots campaign by Padres & Jóvenes Unidos, the Denver Police Department and Denver Public School District signed an agreement to restrict the role of police on school campuses.

level of school policing. Given how especially vulnerable and formative these early teenage years are, we should be choosing to foster a school climate that emphasizes support and, when needed, intervention for young students.

The school climate

should create an expectation of mutual respect between students and school staff, rather than an atmosphere of fear and intimidation caused by police ticketing and arrests.

#### LASPD TICKETS & ARRESTS BY GENDER, 2011-2012

### GENDER AND SCHOOL POLICING

The criminal justice system has traditionally focused on males. The prison incarceration rate for males is 15 times the rate of females. LASPD tickets and arrests continue that pattern with over 70% of tickets and arrests going to males.

Looking at ticketing and arrest data by gender ultimately reveals that race is the more critical factor in criminalization. For men and women alike, Black and Latino communities in the U.S. have lived through the most dramatic increases of incarceration rates over the past two decades. These outcomes only reinforce the need for change at the beginning of the pipeline, to remedy racial harms and stop criminalization where it starts.

#### LASPD TICKETS & ARRESTS BY CHARGE, 2011-2012

### WHEN POLICE BECOME DISCIPLINARIANS: TURNING THE SCHOOLYARD INTO MINEFIELDS OF CRIMINAL ACTS

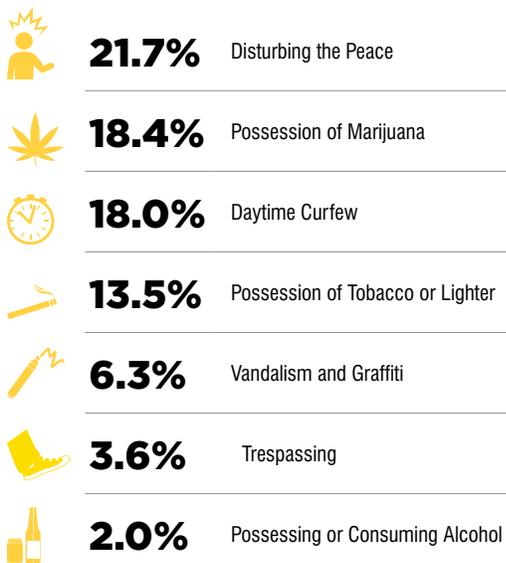
The harmful overreaching of the criminal system in schools becomes only clearer when we examine what behaviors are being treated as “criminal.” Smoking, drinking, writing on desks/walls, getting into fights, skipping class, rebelliousness—schools and adults have been dealing with these youth behaviors since the beginning of schools. It is with the advent of “zero tolerance” and the introduction of police presence at school that the playground and school yard have been turned into minefields of criminal violations.<sup>18</sup>

The vast majority of LASPD’s arrests and tickets in 2011-2012 were for behavior that posed little to no serious threat to the physical safety of students or staff members. In fact, 56% of the arrests and tickets were for either possession of tobacco (or a lighter), possession or consumption of alcohol, daytime curfew violations, possession of marijuana, or vandalism/graffiti (or possession of a marker or aerosol paint). While these are all behaviors that should be discouraged and addressed, it is clearly excessive for the police and the court system to be involved in these issues at all. These are all behaviors that can and should be handled using existing LAUSD school discipline policies, like School-wide Positive Behavior Interventions and Supports<sup>19</sup> and restorative justice, with the involvement of parents, teachers, administrators, and school support staff such as counselors, social workers, psychologists, and nurses. We cannot imagine these behaviors being criminalized in wealthier white suburban schools.

2011-2012

## LASPD ARRESTS AND TICKETS

MOST COMMON CHARGES



The types of tickets that students receive clearly demonstrate the expanded disciplinary role that police now have at LAUSD schools. In fact, in many cases tickets are the direct result of a discretionary referral to the police by school staff, where the ticket replaces, or is added to, other school-based punishments such as in-school and out-of-school suspensions. In either case, whether a ticket or arrest is initiated by the police or by a school staff referral, it is frequently a missed opportunity to build trusting relationships with students that have a long term impact on their behavior and future outcomes. Law enforcement and the juvenile court are simply not in the position, nor should they be, to respond to student behaviors with the positive approaches that years of research support as effective.<sup>20</sup>

As the most common charge, the frequent use of “Disturbing the Peace” tickets are perhaps the clearest indication of the backward lens of over-policing in schools. Peer-to-peer and student-to-staff conflicts create stress for the individuals involved and often disrupt the broader school community. Without

resolution, these conflicts can last and escalate throughout the school year. A ticket or arrest punishes the individuals separately and does not create opportunities for resolution. In contrast, restorative/transformational justice programs are uniquely situated to repair a harm that is experienced and convey the importance of accountability to yourself and your school community. When implemented correctly, such programs are fostering school environments that students want to be a part of and infusing life skills for well beyond the classroom.<sup>21</sup>

### ANALYZING LASPD ARRESTS

## LASPD ARRESTS, DISCRETION AND MISSED OPPORTUNITIES

Most, if not all tickets could be eliminated by decriminalizing the underlying student conduct, and where appropriate, replacing the ticket with intervention and supportive services. But what about the arrests? There is a common misassumption that when a student is arrested, the incident must have crossed the line from being a disciplinary issue to involving a serious violation of the law or threat to school safety. In reality, students are often arrested for many of the same underlying behaviors that can result in a ticket.

### **Virtually every arrest category, and all ticket categories, are discretionary.**

That is, the police officer had the leeway in nearly every incident to weigh the situation and decide whether to arrest, ticket or do neither.<sup>22</sup> For example, in a situation where an upset student pushes a peer during a heated exchange, the officer can decide whether to:

- ▶ *arrest the student (“Battery”)*
- ▶ *ticket the student (“Disturbing the Peace”)*
- ▶ *or refer both students to school administration to get help dealing with the underlying sources of their*

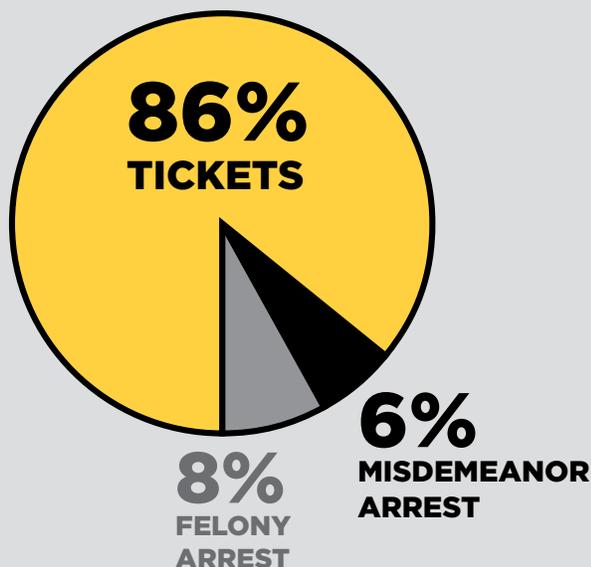
anger and to learn better methods of resolving peer conflict through counseling, restorative justice or other school-based intervention programs.

Even prior to police involvement, there is tremendous discretion on the part of school staff, teachers, and school administrators to handle almost all school-based incidents. In the same example above, in responding to a student conflict, a teacher or administrator could decide whether to:

- ▶ Respond directly with restorative justice or Positive Behavior Interventions and Supports
- ▶ Refer to designated staff for a restorative justice response
- ▶ Refer to designated staff for positive behavior intervention supports (i.e., counseling, conflict resolution, behavior expectations and agreements)
- ▶ Issue a suspension
- ▶ Refer to police for ticket or arrest.

## LASPD TICKETS VS. ARRESTS

POLICING TO DISCIPLINE AND PUNISH



Arrests made up only 14% of the overall LASPD tickets and arrests, for the 2011-12 school year. While there are far fewer arrests than tickets, the future educational and criminal risks associated with arrests are far greater.<sup>23</sup>

In the vast majority of cases, 86%, the officer involved judged it unnecessary to introduce a more severe consequence or removal of the student from the campus through an arrest. Even within the arrests, a large portion, 43%, were handled as misdemeanor arrests rather than felony arrests, meaning that the underlying behavior of the student would not support a more serious charge. In fact, school-based arrests follow a similar pattern as tickets with the most common underlying charge, 'battery,' being related to physical altercations or conflicts between students at school.<sup>24</sup>

### MORE THAN TICKETS & ARRESTS

## THE SCHOOL AS A CHECK-POINT

Despite evidence that a very small subsection of school incidents are deemed by law enforcement themselves to be the most serious, the LASPD daily presence and interaction in the educational system continues to be deeply entrenched. And for every 'documented' law enforcement contact with a student (a ticket or arrest) there are many other police roles at school that have been demonstrated to change the climate of a campus and the perceptions of a student.

*“To say I will work in a public school is to say I believe every young person deserves to be cultivated, nurtured and guided to the adult process. It is to say we don’t have children who we just throw away. I believe restorative justice gives us the means to reclaim the child who in traditional discipline models has been thrown away or pushed out.”*

Katie Rainge-Briggs  
Teacher, Augustus Hawkins High School



For example, students report widespread, random, and targeted searches of their person and bags, many schools going so far as to bring drug-sniffing dogs on campus. Intimidating posturing by officers in the halls. Handcuffing in front of peers, even for truancy. And at it's worst, an ongoing form of profiling of the 'bad' students that can have lasting consequences for their future potential, for example, through the gang database.<sup>25</sup>

Such law enforcement tactics seem simply an extension of what is happening in poor and Black and Brown communities throughout the nation.<sup>26</sup> Students are being preemptively policed at school in ways that can be likened to New York City's controversial 'stop and frisk' policy, where race, not crime, is the significant factor in predicting police contact.<sup>27</sup> In Oakland, for example, black youth are an alarming 73.5% of overall juvenile arrests and 73% of school police arrests, despite making up less than 31% of the city or school district's student population.<sup>28</sup> Over the past two years, the Oakland School Police have not reported a single white student arrest.<sup>29</sup> And nearly one in three families, in a comprehensive nation-wide survey project led by Justice for Families, indicated that their child's first arrest took place at school.<sup>30</sup>

In LAUSD, students are exposed to the school-to-prison-pipeline through no fault of their own but simply as an extension of attending their neighborhood school where there is constant police

presence and searches are commonplace. The sheer reliance on a public educational system that has adopted such a policing model increases the likelihood that all students, even with the best intentions, may be stopped and searched during their school experience, or ticketed when they arrive late to school.

In other cases, a student's behavior is related to an underlying incident, a personal or family circumstance that signals the need for a deeper understanding of their well-being. Sometimes there is a source of stress in the school environment. Sometimes the student has a personal or psychological difficulty, or a problem in their family relationships. Other times a negative interaction with a peer, a teacher, or police will be causing distress. In all such cases, the goal must be for students to build trusting relationships with adults that positively impact their long-term future potential. Relying on tickets, arrests, and the criminal system undermines this goal.

# VOICES OF THE STUDENTS



## Michael

Grade: 11

Region: South L.A.

Race/ethnicity: Black and Salvadorean

Citation for Daytime Curfew violation

When I was in middle school, I got a ticket for being tardy. I was in 7th grade and, at the time, I didn't even realize there were police on campus. One day I was walking in and an officer stopped me and said I was late and took me to the principal's office. The principal told everyone to get out of the office, even though everyone could see through the glass what was happening inside. That year I had been getting into trouble at school, so he told me that I'd better straighten up: "If you keep acting like this you'll get sent to another school and then you'll see. If you were at another school and you acted like this you'd

get jumped." Then the officer came in and wrote me a ticket for ditching.

While at school since then, I have been stopped by police, questioned by police, yelled at by police, had my bag searched, been patted down, put in a police car and taken home by police. I have friends who have been ticketed or arrested for skipping class, fighting, having cigarettes or marijuana on them, tagging, being on school grounds when they say you're not supposed to, and stealing.

Even for minor things, it seems like police are always involved in our lives at school. When you get treated like this it is demeaning and it's a big part of how we get pushed out of school. A lot of people I know just stop caring about school. They just don't care

anymore. And it fits with how police treat us in South L.A. at school and in the neighborhood, the message is: “You are nothing.”

What we need is for schools and police to stop this treatment, stop ticketing and arresting and harassing students of color. We need positive alternatives at school like counseling, rehabilitation programs, and therapists.

## Jacquelin

Grade: 11

Region: South L.A.

Race/ethnicity: Latina

Stopped and questioned for suspected marijuana use

When I was in 8th grade, I went to the bathroom with a friend and there were girls smoking in there. The police came in and accused us of being with them. We told them we weren't but they still accused us and searched our bags and interrogated us, asking us invasive questions, like whether any of our parents or family members smoked marijuana. After that I went back to class but I couldn't really concentrate. It gave me a headache. The next day I didn't want to go to school. I was scared I might get blamed or accused of doing something else I didn't do. That feeling lasted for about a month and then it slowly started going away. My mom was really mad about it all.

That same year, I had a cousin at another nearby middle school who got a ticket for tagging. He was in 7th grade. And I had two other friends at my middle school who got tickets, one for stealing and the other for marijuana. This kind of thing really affects students. You have this constant fear that you are going to get caught for doing something, or that you are going to be at the wrong place at the wrong time and get caught up. You worry about getting a criminal record that will mess up your life.

It continues now at my high school. The assistant principal regularly comes into classes to do random searches, often with a Security Officer. Because of my experience in middle school, every time this happens, I feel nervous and stressed. What if they find the markers in my bag—will I get a ticket for tagging like others I've seen who get caught with markers?

## Brandon

Grade: 10

Region: South L.A.

Race/ethnicity: Latino

Citation for vandalism

When I was 13 years old in 7th grade middle school in French class, I saw another kid writing on the wall and so I asked him to borrow his marker so I could write my nick-name on the floor. When the teacher found the writing she stopped the class and called in the police to find out who did it. The officer came into the class and started calling out names of students from our class and some students snitched on me. The officer took me outside and asked me if I had the marker and I said no and then he started asking me these questions like if I had a tattoo [gang symbol] or if I smoked and I said no. Then he kept asking questions for awhile and at the end he told me that if I ever did something to the students who told on me, that I would get sent to Juvie.

I got a ticket for something like \$800. When I went to court the judge told me I have a one-year suspension on my license whenever I get it. So if I get my license it would be suspended for a year. I also got 48 hours community service. And I got kicked out from that school. But it was the last 3 weeks of CST testing and no school would accept me. So I missed a lot of school and I lived with my father until I could get into a new school.

## Jazmin

Recent graduate from a South L.A. high school  
Currently junior at Evergreen State College  
Race/ethnicity: Latina  
Two citations for daytime curfew violation,  
handcuffing, bag search

In middle school, I just didn't like school. There were a lot of things going on in my life. I had a lot of family issues, my parents were breaking up. So I would ditch and go to different places, and one of those times I got my first citation. I was 2 blocks away from school in front of my friend's house. They handcuffed me and searched me and my friend's parents came out and said, "What is going on?" They said, "You're supposed to be at school." They patted me down, they searched me, put me in the police car and drove me back to my middle school. When we got to school, they made me walk through the halls in handcuffs to the dean's office, which was really embarrassing. At the dean's office they gave me a citation.

The second time I got a ticket, I was at Venice Beach and they took us to a school gym set up like a detention center with all the students they had rounded up. After they searched you and went through the whole process of confiscating your stuff, you had to go up and sit there in the gym stands--all these seats and all these students, you just had to sit there and wait for your parents to come. And when my mom came, the officer told my mom "You know most of the students that ditch do drugs and you should really have her drug tested because her eyes look really dilated right now." It made me really upset, Nobody ever asked what was going on, how was I really doing. I was just being put in a box: if I was ditching then I must be doing drugs. After that, things got worse with my mom.

And when I see police, even to this day, I'll get nervous, even if they're just next to me in the car. If I have to talk to them I get nervous and feel like I did something wrong.

## Rosa

Grade: 12  
Region: Boyle Heights  
Race/ethnicity: Latina  
Citation for disturbing the peace

In 8th grade, me and a girl got into a fight. It was after school and the police officers came pretty fast. They took me to their car and they just gave me a ticket and said I was suspended and couldn't come to school for a few days. They said, just come back on this day. When I came back a few days later, nothing had changed. That girl is now at my high school and I still don't like her, and it's still awkward when we see each other on campus. We just stare at each other. Our high school has started a Restorative Justice program. That would have been a lot more helpful if we had it in 8th grade.

## Ellis

Recent graduate  
Region: Central L.A.  
Race/ethnicity: Black  
Stopped for daytime curfew violation, searched,  
citation for marijuana possession

In my senior year, I was late getting to school and got stopped by a school police officer. I figured I would get a truancy ticket but instead the officer sent me to the dean's office. In the office the dean told me to take everything out of my pockets and my backpack. I had a pipe and a little marijuana. Instead of talking to me or trying to help me, the dean just called in the police. Before this incident with the police, I was active in school and even part of student council but after that I felt like the school was judging me and wanted me to leave. It seemed like I was thought of as a nobody.

## Lydia

Grade: 12

Region: Central L.A.

Race/ethnicity: Latina

Citation for daytime curfew violation, searches

At my middle school, it was like a prison. There was a police station right next to it and the police were always there inside the door, in the halls. The police were even at the orientation. They gave a powerpoint telling us not to bring your electronics because some kid got jumped for an ipod. They told us not to bring our sharpies because of the tagging. They told us we couldn't wear sharp earrings, we couldn't wear hoops, we couldn't wear star earrings. All these crazy rules and it was part of the presentation and the police stayed on stage.

The police and security were giving tickets for just about anything, like if you were late. They were constantly searching our bags and taking things away. There would be a day where they would just open everyone's lockers and tell you to leave them open so they could check them. They would metal detect you. They would take away your markers, your makeup, take away like anything.

Now I'm in high school and the school police have been stopping people at the gate who are late and searching your bags. A few weeks ago, I was 15 minutes late and they stopped me and made me open my bag. They aren't giving tickets but what they're doing still makes me mad.

## James

Grade: 11

Region: South L.A.

Race/ethnicity: Black

Citation and arrest for weapon possession

I got bullied and harassed starting in middle school. It affected me a lot inside but I still managed to do alright in school. When I was in 10th grade, a couple of boys took it to another level. One day in second period, they started throwing paper at me, calling me

names and saying they were going to kick my ass. When school ended they found me walking with my girlfriend and started following us and saying they were going to hurt me. But when we got to the front, they saw my mom's car and pulled back, telling me to be ready tomorrow. The next day I started bringing a knife in my bag for self-defense.

A couple of days later in my 3rd period English class, the dean came in with three security guards for a random bag search. The teacher told us all to make it go easy by taking out anything we had, so I took out my knife and put it on my desk. I told them why I brought it but they took me to the school police office on campus and told me they had no choice but to arrest me because that was the law if it was longer than your palm, and mine was an inch too long.

They took me to the police station and booked me, then took me to another station where I was questioned and kept in a holding cell for four hours until my mom could come pick me up. This was a shock to me since it was my first time getting into any kind of trouble. I'd never been suspended, expelled, ticketed or arrested before. When I went to the court referee, they gave me community service and an essay to write. My mom eventually got my record expunged.

It gets to me that I was treated like that for trying to protect myself in the first place. There was no one at the school I felt I could talk to or trust, especially since it would be easy to get labeled a "rat" for telling. It just felt like school staff were there to catch me doing something wrong rather than preventing the bullying or helping me.

# PERSPECTIVES FROM LEGAL ADVOCACY

## How tickets, fines, and driver's license holds intersect with life circumstances for youth in L.A.: foster care, homelessness, special education, and immigration

Zoe Rawson, Legal Advocate, Community Rights Campaign

As part of our campaign to decriminalize student discipline, Community Rights has had the opportunity to advocate for hundreds of students over the last several years that have received school-based tickets. In many of these cases, the young people and their families were already in a time of crisis, experiencing extraordinarily stressful life conditions at the time they received one, or often several, school police tickets.

Thankfully, many of the problems associated with the excessive fines that were commonplace have been resolved through advocacy efforts with the juvenile court and Probation. Unresolved driver's license holds, however, still plague hundreds of thousands of young adults and have longstanding consequences, including preventing individuals from applying for deferred action, from participating in the Job Corp program, and from sealing their juvenile court record.

**FOSTER CARE** At a time in his life when J's focus should have been on "wraparound" services and family reunification, he was attending court dates and completing community service hours for 4 tickets that he received in the span of just 5 months. J was ticketed for fighting, marijuana possession, truancy and fare evasion, receiving his last ticket 3 months prior to entering the foster care system. J's first exposure to school tickets was attending a middle school with a

policy of citing students immediately upon arriving to school late.

**HOMELESSNESS** B contacted Community Rights after having successfully completed high school. She was working and interning but got 'stuck' because of the fines holding up her ability to get a driver's license. B estimated that she received about 12-18 tickets for truancy and tobacco when she was in high school and homeless. Mental health, substance abuse and domestic violence led to B leaving her



family home and staying with friends and on the street.

G's case is similar. By the time G reached us, he owed over \$1,500 in fines for several truancy tickets and a vandalism ticket that he received during a transitional time that his mother was staying in a homeless shelter. When we appeared in court to clear his driver's license hold, G himself was residing in a youth shelter. Luckily, he was granted community service hours; however because his fines were so high, he was ordered to complete 173 hours.

**SPECIAL EDUCATION** D's story is like many students with underlying special education needs that attend schools with a "zero tolerance" punitive approach. D's behavioral and emotional symptoms at school triggered tickets and suspensions rather than an evaluation for special education. By the time D was 12 years old he had received 3 tickets at school: one for fighting with a friend, another for being accused of writing on the school hallway, and a third for leaving school after getting upset about an incident in class. Fortunately, D's mother understood he had a legal right to an assessment; however, her formal request was denied by the middle school. After a very chaotic year, several court visits, and filing a complaint against the school for not following special education law, D was finally evaluated and received an IEP, which now allows him to attend a specialized school.

F's story was different in that having an IEP did not stop his behavioral and emotional symptoms from triggering tickets and arrests. F had an IEP in place for his depression but continuously received truancy tickets for missing class. Eventually, F owed more than \$3,000 in fines with just one of the tickets alone costing \$1,300. F's depression continued and worsened at school where eventually he was arrested for carrying a knife for protection to and from school.

As one of the most egregious forms of criminalizing truancy, F was locked-up twice when the judge determined that the truancy tickets were a probation violation.

## **IMMIGRATION**

L was terrified when stopped by the police outside his high school for being late, because he was undocumented. His mother reported that he felt fearful and ashamed and it was several weeks before his low spirits subsided.

## SECTION 3

# THE CONSEQUENCES OF OVER-POLICING IN LOS ANGELES SCHOOLS



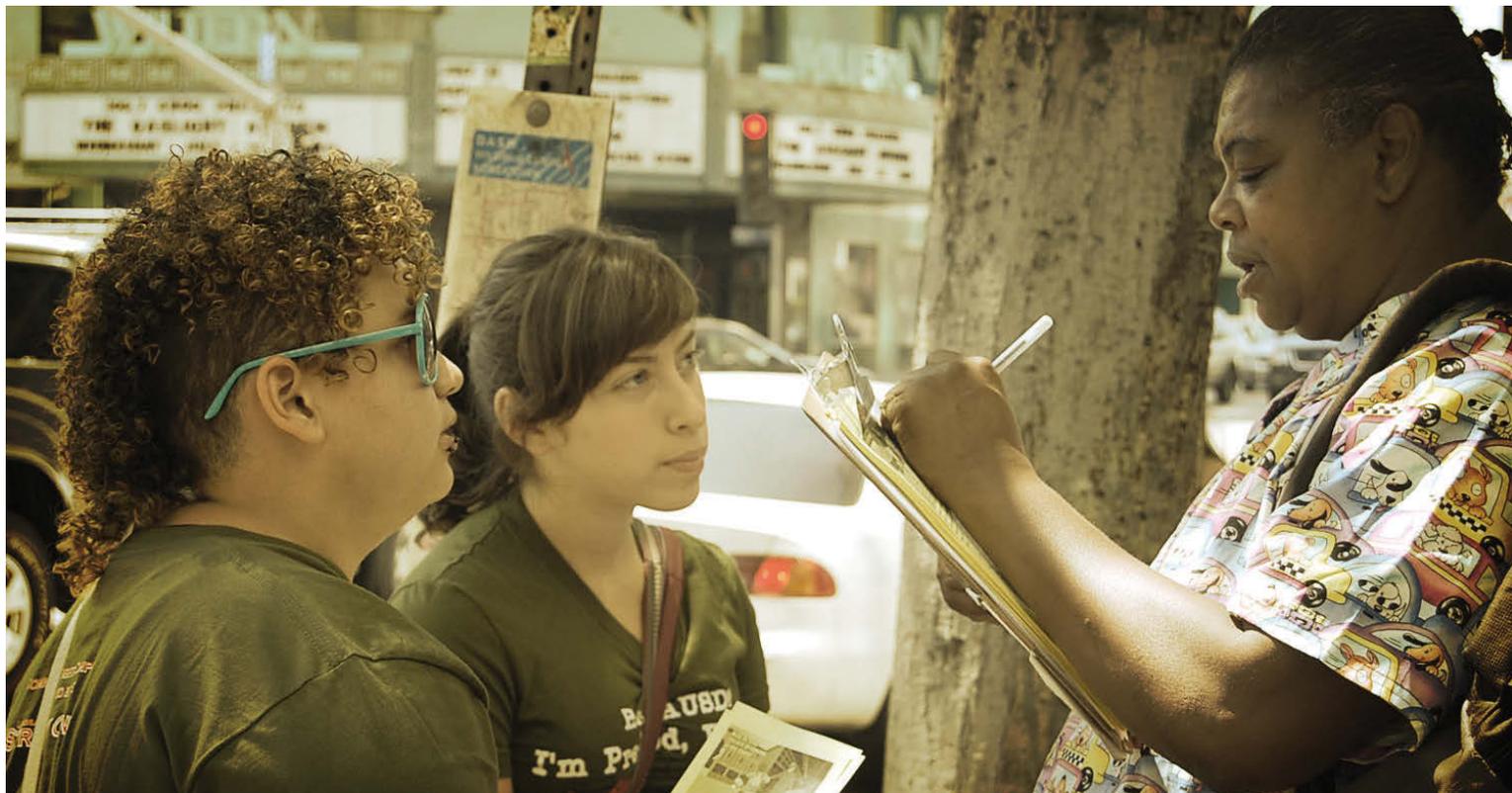
The harms caused by Los Angeles schools' excessive reliance on police cannot be overstated. Among them are the following:

**Arresting and ticketing students as a form of school punishment has systemic civil rights consequences: Black and Latino youth are pushed out of school and into the “school-to-prison pipeline.”** Arresting or ticketing students can have dramatic effects on their lives. It subjects them to the potentially serious consequences within the juvenile system – such as fines, probation, and detention. Research also shows that a first-time arrest doubles the odds that a student will drop out of school, and a first-time court appearance quadruples the odds.<sup>31</sup> Moreover, students who are arrested or ticketed in

school can face major obstacles when applying for college or a job.<sup>32</sup>

These effects have been concentrated among students of color who already face the most obstacles in obtaining a quality education. When additional factors are involved, the potential exposure to punitive school discipline, ticketing and arrest increases. If a Black or Latino LAUSD student also has a learning disability, is lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ), or is homeless or in foster care—these factors can increase their likelihood of school push-out.

**The overuse of school-based arrests and tickets is making many Los Angeles schools less safe.**



Research does not support Los Angeles schools' use of tickets and arrests as a school-safety strategy. For example, a recent study of 470 schools nationwide found no evidence suggesting that school-based police officers contribute to school safety.<sup>33</sup> On the contrary, this approach can make schools less safe. Widespread use of arrests and tickets dramatically changes the culture of schools, leading to greater antagonism and distrust between students and staff.<sup>34</sup> In fact, these practices have turned many Los Angeles schools into unwelcoming and even hostile environments for students that actually provoke school disorder, rather than prevent it.<sup>35</sup> For many white suburban students, the school is a welcome sight; for many Black and Latino children, the school is an alienating, hostile and even fearsome institution.

Additionally, the over-reliance on law enforcement intervention often fails to address the root cause of the behavior in question. Police officers are neither social workers nor psychologists. They are not trained to identify or address students' academic, social, emotional, psychological, or physical needs. Nor should they be, as that is not their role. Thus, by resorting to punitive responses instead of attempting

to address students' developmental needs, we miss an opportunity to help youth in need and prevent further occurrences that might impact school safety.

**Over-policing of schools undermines academic achievement and emotional well-being in Los Angeles schools.**

There are impacts on a young person's psyche, self-perception, confidence, family relationships, and outlook on the future from being stopped, questioned, searched, ticketed or arrested at school—or of witnessing it happen to peers. It can be profoundly alienating—even traumatizing—and result in serious academic setbacks and harms to their emotional well-being.<sup>36</sup> Instead of seeing their school as a safe and supportive environment in which to learn, grow, become more self-aware, find self-expression and deal with questions of identity and social belonging, the school becomes a hostile institution where they feel treated as inherently guilty, suspect, or deficient.

The effects of needless arrests and tickets within schools are not limited to the students directly involved; these practices have created a toxic environment within many schools that affects all

students and staff. Over-policing of schools makes it extremely difficult, and in some cases impossible, for young people to feel secure in building connections with adults in their schools, and become invested in their own education, all of which are essential to academic success and personal growth.<sup>37</sup> The negative school climate created by current police practices thus undermines student engagement, creates an additional obstacle for educators, inhibits school improvement, and harms students' emotional well-being.

**Arresting and ticketing youth in school plays into a long history of racialized policing in the US, further damaging the relationship between police and communities of color and perpetuating the devaluation of Black and Latino lives.**

The criminalization of everyday life in Black and Latino communities—and the devaluing of Black and Latino lives—is part of the origins of policing in America and at the root of the deep ambivalence and distrust communities of color have historically had with the police.<sup>38</sup> It is also a part of the racist social tendency to view Black men in particular as inherently dangerous or violent, deeply linked to the profiling tragedies of young Black men like Trayvon Martin and Oscar Grant.<sup>39</sup> Confident, assertive, or non-compliant Black and Latino men tend to be perceived as “defiant” and “dangerous” to the larger, that is, white, society. There is a fear of “Black militants” that has extended from Malcolm X to Martin Luther King Jr, which has led to the repression and suppression of Black assertiveness and Black expressions of anger about injustice, especially from Black men.

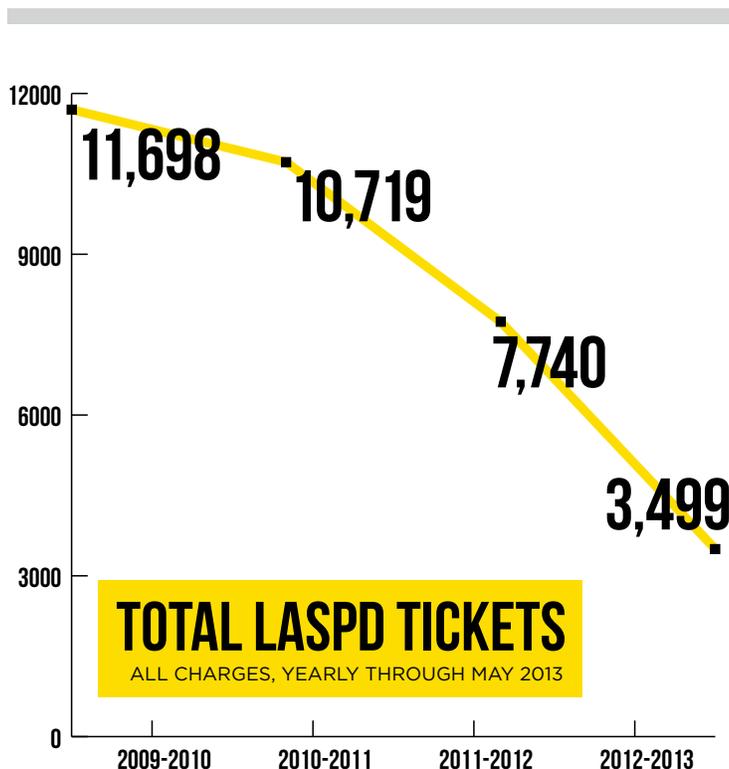
## SECTION 4

# ASSESSING RECENT REFORMS OF SCHOOL POLICING

### REAL PROGRESS FOR POLICYMAKERS, A REAL ADVANCE FOR OUR MOVEMENT

To LAUSD and LASPD's credit, they are responding to years of community organizing and advocacy by taking large steps toward reducing the use of tickets.

- ▶ *LASPD truancy and tardy tickets under the daytime curfew are down by 93.7% from 2009-2010 to 2012-2013.*
- ▶ *School ticketing across all categories has decreased by 54.8% from 2011-2012 to 2012-2013.<sup>49</sup>*



It is important to mark these steps as a real breakthrough for the district and its school police department, and as a real advance for our grassroots movement. At the same time, L.A. is an important case for understanding the road blocks and pitfalls to achieving meaningful reform.

### THE JOB IS NOT DONE WHILE SYSTEMIC CIVIL RIGHTS VIOLATIONS CONTINUE FOR BLACK AND LATINO YOUTH

**Oct 2010** CRC with DSC-L.A. releases report on *Police in LAUSD Schools: The Need for Accountability and Alternatives*

**Jan 2012** Judge Nash, Presiding Judge of the Juvenile Court, releases policy to end excessive fines and allow community service to satisfy all tickets.<sup>41</sup>

**Feb 2012** City Council passes LAMC 45.04 amendments to the daytime curfew

**Apr 2012** All tickets are referred directly to Probation due to closures of the Informal Juvenile Traffic Courts (13 throughout L.A. County)

**Jun 2012** In response to CRC demand to decrease tickets by 75%, LASPD and district commit to have "an alternative diversion to Probation Department" on selected citations

**Aug 2012** CRC seeks the school district's support for the Equal Protection Plan to decriminalize student discipline

# HOW MUCH PROGRESS HAS BEEN MADE IN 2012-2013?

## RACIAL DISCRIMINATION INDEX | POLICE TICKETS

2010-2011



Ratio of citations per Black student to citations per white student

2011-2012



2012-2013



### 2012-2013 LASPD TICKETS BY AGE

AGE	NUMBER OF TICKETS
9	3
10	4
11	103
12	442
13	816
14	908
15	1009
16	817
17	640



**47.4%**  
WERE 14 AND UNDER

### 2012-2013 LASPD TICKETS MOST COMMON CHARGES

- 32%** Possession of Marijuana
- 29%** Disturbing the Peace
- 15%** Possession of Tobacco or Lighter
- 7%** Vandalism and Graffiti
- 6%** Daytime Curfew
- 4%** Trespassing
- 3%** Possessing or Consuming Alcohol

## WHEN YOU GET AN LASPD “VANDALISM” TICKET, DOES IT MATTER WHAT COLOR YOU ARE?



Vandalism tickets include tickets for possession of markers and writing on desks or walls.

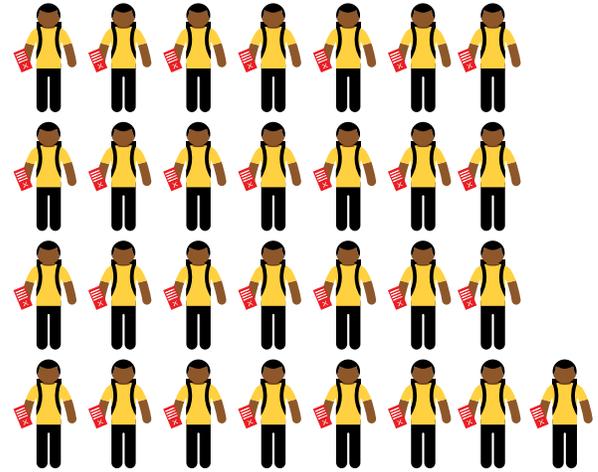


In 2012-2013, Black students were 5.5 times more likely than white students to be ticketed.



In 2012-2013, Latino students were 5.2 times more likely than white students to be ticketed.

## WHEN YOU GET AN LASPD TICKET FOR “DISTURBING THE PEACE,” DOES IT MATTER WHAT COLOR YOU ARE?



In 2012-2013 Black students were 29.1 times more likely than white students to be ticketed.

***The reduction in tickets and arrests over the past year has not benefitted all students equally. In fact, racial disparities have actually gotten worse.***

In 2012-2013, 93.9% of all LAUSD tickets went to Black and Latino students. We calculated a “Racial Discrimination Index” for Black and white LAUSD students for the 2010-2011, 2011-2012, and 2012-2013 school years. The index compares the ratio of tickets per Black students to tickets per white student (tickets were used because arrest data was not available for 2012-2013). While the Racial Discrimination Index for 2010-2011 was already very high – 3.8 – it increased to

4.5 in 2011-2012. Then, in the 2012-2013 school year, it reached a startling 5.8. In other words, Black students have been nearly 6 times more likely to be ticketed and referred to the juvenile system as white students this past school year.

For Latino students, there has been no progress. They continue to receive tickets at more than twice the rate of white students.

Similarly, the most racialized categories of ticketing have also remained constant or worsened:

- ▶ *Black students went from being 23 times more likely to now 29 times more likely than white students to be ticketed for “Disturbing the Peace.” This is an egregious violation of 14th amendment “equal protection” law, as well as international human rights standards.*

- ▶ *Black students are now 5.5 times more likely than white students and Latino students are 5.2 times more likely than white students to be ticketed for having markers, damaging or writing on school property (“Vandalism/Graffiti”).*

## **INADEQUATE PROGRESS ON AGE AND GENDER**

While overall numbers of tickets are down, youth under 15 still receive nearly half the tickets. In terms of gender, males continue to receive a large majority of the overall tickets but a very significant portion of tickets are going to females, 30%. In many categories of ticketing, for example school fights (Disturbing the Peace), we are actually now seeing a slight majority (53%) of tickets going to females over males. In L.A. County, young women are the fastest growing population to enter the juvenile court system and the same remains true for female adults nationwide.<sup>42</sup>

## **THE RACIALIZATION OF DISRUPTION/DEFIANCE TARGETS BLACK STUDENTS**

One of the most frequent tickets issued by school police is “Disturbing the Peace.” This category of school “disruption” or “defiance” presents a unique challenge and is perhaps most indicative of the punitive, disciplinarian function of tickets. “Disturbing the Peace” tickets are issued in cases where a student has a verbal or physical conflict with a peer or school staff. With rates far exceeding other categories of

tickets, “Disturbing the Peace” has resulted in extreme disparities for Black students, with tickets being issued starting at age 10. In 2012-2013, a Black student became 29 times more likely to be ticketed than a white student for “Disturbing the Peace.”

The very notion that Black youth are already being perceived as dangerous or violent as early as age 10 points to a broader societal construct rooted in a history of structural racism. The childhood behaviors of Black youth—often called “acting out”—are more frequently viewed through a lens of disruption and defiance. These behaviors are punished through “Willful Defiance” suspensions and expulsions, and through “Disturbing the Peace” tickets, resulting in school push-out. Black students made up 40% of suspensions and expulsions for “Willful Defiance”, the most common grounds for out-of-school suspensions in the 2011-2012 school year. The extreme outcomes for Black youth in this category have devastating impacts over time, including the relationship to mass incarceration rates for Black communities.<sup>43</sup>

## **NEIGHBORHOOD SCHOOLS REMAIN UNDER LOCKDOWN IN BLACK AND LATINO COMMUNITIES**

The racialized treatment of students is perhaps best understood by examining the geographic concentration of school policing in certain regions of the school district.

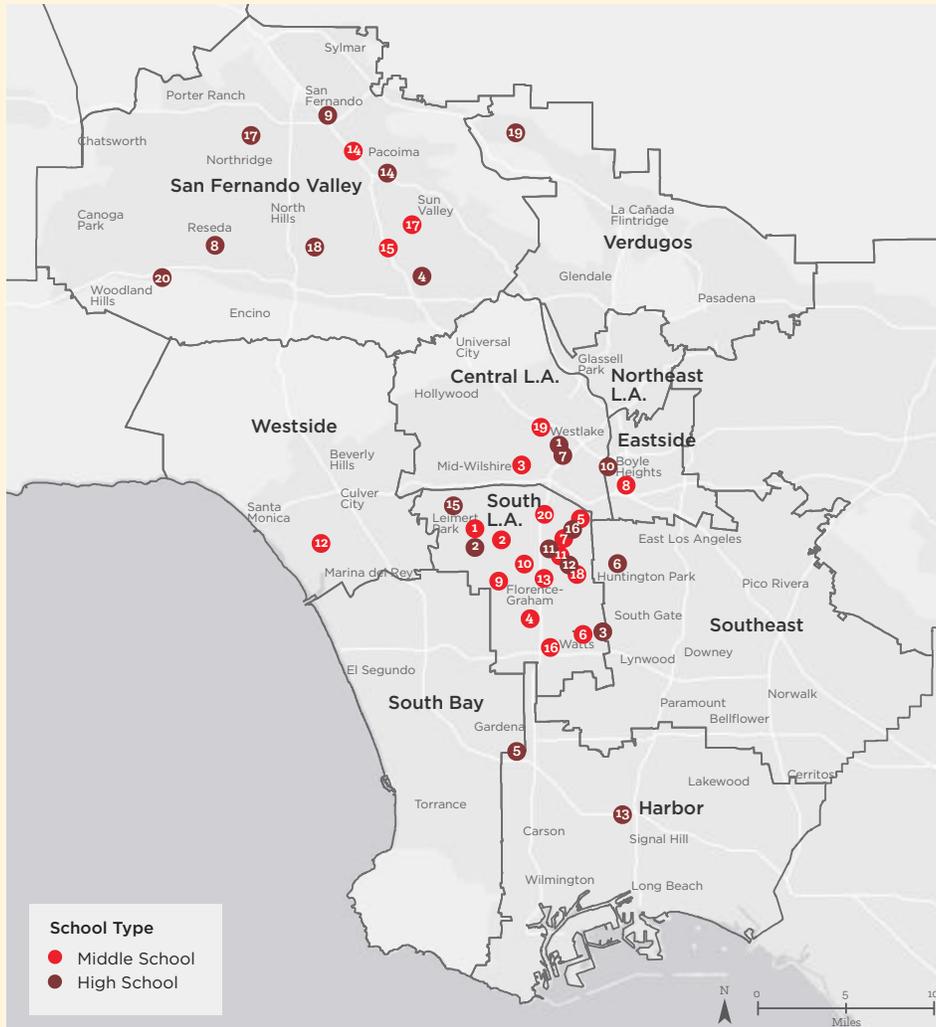
The maps below (*see page 30-31*) show that the highest intensity of student criminalization

## **Charter Schools and School Discipline**

While the data presented here is for LAUSD schools, it is important to mention that some of the most harsh and extreme disciplinary practices in Los Angeles take place within charter schools. Unfortunately, because relevant data is unavailable for most of those schools, we were not able to present it here. The exemption of charter schools from district disciplinary data reporting requirements is an important problem that requires attention, especially in light of school push-out problems specific to charter schools.

# LAUSD SCHOOLS WITH THE HIGHEST RATES OF TICKETING AND ARRESTS IN 2011-2012

OF THE MORE THAN 150 MIDDLE AND HIGH SCHOOLS IN LAUSD, THESE TOP 20 SCHOOLS HAD THE HIGHEST RATES OF TICKETING AND ARRESTS IN 2011-2012 AND ARE LISTED IN ALPHABETICAL ORDER.



Ticket and arrest data is from LASPD 2012-2013. School point data is from the California Department of Education. Demographic data is from the 2010 U.S. Census. Poverty data is from the American Community Survey 2007-2011 5 Year Estimates. Geographic data is from Esri and L.A. Times. Only regions that fall within the LAUSD board are labeled. Map created by Healthy City - Advancement Project (August 2013).



## San Fernando Valley

- 3 Middle Schools; 7 High Schools
- The schools are located in neighborhoods where 57% of the residents are Latino, 28% are white and 19% of families with children are in poverty.
- S.F. Valley: 45% Latino, 40% white and 15% of families with children are in poverty.

## South L.A.

- 13 Middle Schools; 6 High Schools
- South L.A.: 64% Latino; 30% African American.
- 38% of families with children are in poverty.

## Central L.A.

- 2 Middle Schools; 2 High Schools
- 3 of the 4 schools are in the Westlake neighborhood.
- Westlake: 70% Latino and 47% of families with children are in poverty
- Central L.A.: 47% Latino; 26% white

## Eastside

- 1 Middle School; 1 High School
- Both schools are in the Boyle Heights neighborhood.
- Boyle Heights: 95% Latino and 35% of families with children are in poverty.

## L.A. County

- 25% Latino  
28% white  
8% African American
- 18.7% Families with children are in poverty.

### Top 20 Middle Schools

- |   |                                     |
|---|-------------------------------------|
| 1 Audobon Middle                          | 11 Los Angeles Academy Middle       |
| 2 Barack Obama Global Preparation Academy | 12 Mark Twain Middle                |
| 3 Berendo Middle                          | 13 Mary McLeod Bethune Middle       |
| 4 Bret Harte Preparatory                  | 14 Pacoima Middle                   |
| 5 Dr. Julian Nava Learning Center         | 15 Roy Romer Middle                 |
| 6 Edwin Markham Middle                    | 16 Samuel Gompers Middle            |
| 7 George Washington Carver Middle         | 17 Sun Valley Middle                |
| 8 Hollenbeck Middle                       | 18 Thomas A. Edison Middle          |
| 9 Horace Mann Junior High                 | 19 Vista Charter Middle             |
| 10 John Muir Middle                       | 20 William Jefferson Clinton Middle |

### Top 20 High Schools

- |                                  |  |
|----------------------------------|--|
| 1 Belmont Senior High            | 11 Social Justice Schools*             |
| 2 Crenshaw Senior High           | 12 South Region High #2*               |
| 3 David Starr Jordan Senior High | 13 South Region High #4                |
| 4 East Valley Senior High        | 14 Sun Valley High                     |
| 5 Gardena Senior High            | 15 Susan Miller Dorsey Senior High     |
| 6 Huntington Park Senior High    | 16 Thomas Jefferson Senior High        |
| 7 Miguel Contreras Senior High   | 17 Valley Academy of Arts and Sciences |
| 8 Reseda Senior High             | 18 Van Nuys Senior High                |
| 9 San Fernando Senior High       | 19 Verdugo Hills Senior High           |
| 10 Mendez Learning Center*       | 20 William Howard Taft Senior High     |

\* This is a single campus which contains two or more small schools.

# LAUSD SCHOOLS WITH THE HIGHEST RATES OF TICKETING IN 2012-2013

OF THE MORE THAN 150 MIDDLE AND HIGH SCHOOLS IN LAUSD, THESE TOP 20 SCHOOLS HAD THE HIGHEST RATES OF TICKETING IN 2012-2013 AND ARE LISTED IN ALPHABETICAL ORDER.

## San Fernando Valley

- 2 Middle Schools; 4 High Schools
- The schools are located in neighborhoods where 70% of the residents are Latino, 17% are white and 20% of families with children are in poverty.
- S.F. Valley: 45% Latino, 40% white and 15% of families with children are in poverty.

## South L.A.

- 7 High Schools; 11 Middle Schools
- South L.A.: 64% Latino; 30% African American.
- 38% of families with children are in poverty.

## Central L.A.

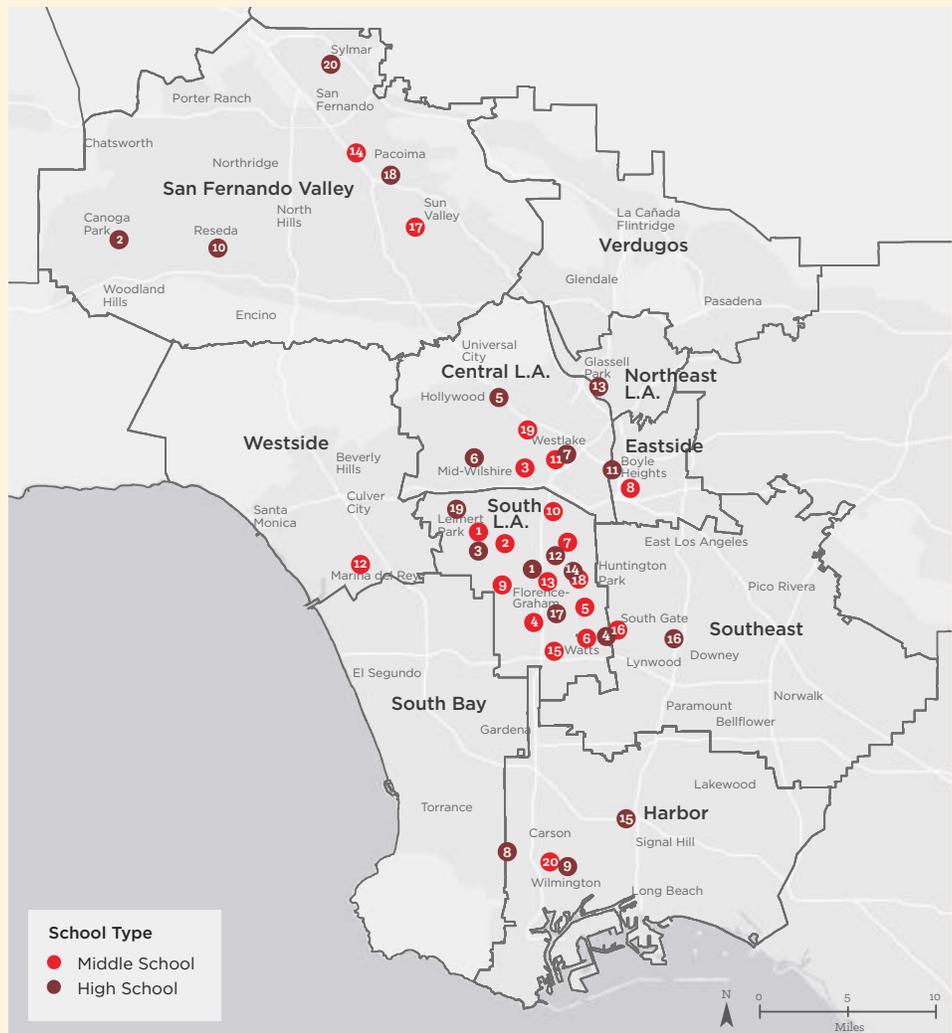
- 3 Middle Schools; 3 High Schools
- 2 of the schools are in the Westlake neighborhood.
- Westlake: 70% Latino and 47% of families with children are in poverty
- Central L.A.: 47% Latino; 26% white

## Eastside

- 1 Middle School; 1 High School
- Both schools are in the Boyle Heights neighborhood
- Boyle Heights: 95% Latino and 35% of families with children are in poverty.

## L.A. County

- 25% Latino  
28% white  
8% African American
- 18.7% Families with children are in poverty.



Ticket data is from LASPD 2012-2013. Arrest data is not yet available for 2012-13. School point data is from the California Department of Education. Demographic data is from the 2010 U.S. Census. Poverty data is from the American Community Survey 2007-2011 5 Year Estimates. Geographic data is from Esri and L.A. Times. Only regions that fall within the LAUSD board are labeled. Map created by Healthy City - Advancement Project (August 2013).



### Top 20 Middle Schools

- |   |                               |
|---|-------------------------------|
| 1 Audobon Middle                          | 11 John H. Liechty Middle     |
| 2 Barack Obama Global Preparation Academy | 12 Marina Del Rey Middle      |
| 3 Berendo Middle                          | 13 Mary McLeod Bethune Middle |
| 4 Bret Harte Preparatory                  | 14 Pacoima Middle             |
| 5 Charles Drew Middle                     | 15 Samuel Gompers Middle      |
| 6 Edwin Markham Middle                    | 16 Southeast Middle           |
| 7 George Washington Carver Middle         | 17 Sun Valley Middle          |
| 8 Hollenbeck Middle                       | 18 Thomas A. Edison Middle    |
| 9 Horace Mann Junior High                 | 19 Virgil Middle              |
| 10 John Adams Middle                      | 20 Wilmington Middle          |

### Top 20 High Schools

- |                                  |  |
|----------------------------------|--|
| 1 Augustus F. Hawkins High*      | 11 Mendez Learning Center*             |
| 2 Canoga Park Senior High        | 12 Social Justice Schools*             |
| 3 Crenshaw Senior High           | 13 Sonia Sotomayor Learning Academies* |
| 4 David Starr Jordan Senior High | 14 South Region High #2*               |
| 5 Helen Bernstein High           | 15 South Region High #4                |
| 6 Los Angeles Senior High        | 16 South Region High #9*               |
| 7 Miguel Contreras Senior High   | 17 South Region High #12*              |
| 8 Nathaniel Narbonne Senior High | 18 Sun Valley High                     |
| 9 Phineas Banning Senior High    | 19 Susan Miller Dorsey Senior High     |
| 10 Reseda Senior High            | 20 Sylmar Senior High                  |

\* This is a single campus which contains two or more small schools.

is concentrated in majority Black and Latino communities in the county, especially in South L.A., Westlake, Boyle Heights and the East Valley.

These concentrations remained largely unchanged between the 2011-2012 and 2012-2013 school years.

## **THE CONCENTRATION OF TICKETS AND ARRESTS IN SOUTH L.A. CALLS FOR CIVIL RIGHTS REMEDIES**

The sheer concentration of schools in South L.A. with the highest ticketing and arrest rates for Black and Latino students is troubling enough. But the conditions in these communities make the concentration of criminalization in South L.A. devastating. Black and Latino youth in Los Angeles County struggle through conditions of deprivation—from birth to adulthood. These conditions have resulted from social neglect and disinvestment in Black and Brown communities.

- ▶ *The infant mortality rate for African Americans in Los Angeles County is about twice as high as the overall rate and three times that of white babies. African Americans comprised 8% of all births and 16% of all infant deaths in 2007.*<sup>44</sup>

- ▶ *In Los Angeles, 31% of Black children live in poverty, 29% of Hispanic children, compared to only 11% of white population.*<sup>45</sup>
- ▶ *As the UCLA School of Public Affairs describes the crisis of human services in L.A. “Poorer neighborhoods in Los Angeles County, where needs are the greatest for shelter, food, job training, health services, prenatal care, alcohol and substance abuse counseling and other basic services, contain fewer human services than middle and upper income neighborhoods. In particular, African American neighborhoods in South Los Angeles have been hardest hit, like urban deserts when it comes to access to jobs and healthy foods that are vital to improving the quality of life in poor neighborhoods.”*<sup>46</sup>
- ▶ *In Los Angeles, although African Americans are only 9.3% of the population, they make up 40% of the homeless youth population.*<sup>47</sup>

## **NOW IS THE TIME TO ESTABLISH DURABLE EQUAL PROTECTION UNDER THE LAW**

Overall ticket reductions are encouraging but the worsening racial inequalities and the continuing problems associated with punitive school discipline and the role of police show the urgent need for more comprehensive measures of two kinds: (1) to further define and limit the role of police in schools and (2) to build robust school- and community-based alternatives for discipline.

Given the progress made in reducing overall tickets, now is the time to turn the work of the past year into durable equal protection for all students. In fact, of all the improvements we see now, only the progress on truancy and tardy ticketing is actually protected by law. The reductions in other forms of tickets and alternative diversion programs are currently

Only the progress on truancy and tardy ticketing is actually protected by law. The reductions in other forms of tickets and alternative diversion programs are currently only informal directions that can be reversed or regressed upon at any time.

## We are seeing troubling new proposals to train police to play a new “youth-friendly” role as mentors and intervention workers

only informal directions of the district, LASPD and the Probation Department that can be reversed or regressed upon at any time.

The need for bold action has been made only more urgent by the tragedy at Sandy Hook Elementary in Newtown, Connecticut on December 14, 2012. The Newtown tragedy has prompted proposals for a variety of strategies for addressing gun violence and improving community safety by increasing police in schools. Numerous states and cities have already responded by increasing the presence of armed police officers in schools.<sup>48</sup> Just weeks after the shooting, Senator Barbara Boxer introduced a bill to deploy the National Guard into schools.<sup>49</sup> And President Obama’s proposals for increasing federal funding for school-based police came to fruition this September when the Department of Justice awarded \$45 million to cities throughout the nation to increase school police officers.<sup>50</sup> These federal funds came through despite multiple sources issuing either opposition or strong reservations about increasing police in the schools given the harms associated with the school-to-prison-pipeline.<sup>51</sup>

In Los Angeles, the tremendous progress reducing overall ticketing numbers has been matched by several steps backward. LAPD announced plans immediately following Sandy Hook to begin patrolling elementary and middle schools for the first time.<sup>52</sup> Then LAUSD added a new layer of patrols, dedicating \$4.2 million to assign “campus security aides” to the elementary schools and an additional \$4 million to increase LASPD’s budget.

There are many social forces pursuing a long-term agenda of expanding police presence, increasing surveillance and increasing suppression. In the name of “school safety” and “protecting our children,” they use every Newtown-like crisis to advance their agenda. It may take a few weeks, a few months, or years, but the calls for guns and armed security in our schools will fade, and yet children will go on being stopped, ticketed and arrested by police for tardiness, skipping class, scribbling on walls, and getting into school fights. We must redefine what “school safety” means by emphasizing public health, mental health and emotional well-being as the foundations for school environments and holistic systems that achieve the best possible outcomes for all of L.A.’s students.

### **A WORD OF CAUTION: WHY TRAINING LAW ENFORCEMENT IS NOT AN ADEQUATE SOLUTION.**

As our movement to end the school-to-prison-pipeline grows and changes the debate, we are seeing new proposals to train police to play a new, “youth-friendly” role and to act as mentors or youth workers.

### **The Community Rights Campaign strongly disagrees with these proposals for several reasons.**

First, campuses can prioritize adult professionals with the skills and experience to properly intervene and support students: intervention workers, mental health providers, nurses, teachers and counselors. Many of these positions have been severely underfunded and completely cut in schools and school districts throughout the state. In fact, California has the worst student-to-counselor ratio in the nation: 1,000 students to 1 counselor, despite a standard best practice of 250 to 1.<sup>53</sup>

Second, funding for police (re)training programs continues to entrench police in the schools as the

solution for every campus climate problem, even when more effective alternatives exist that desperately need these resources. Third, youth are rightly at school to learn and mature and should be free to focus on their educational progression, not to assist the police in criminal investigations. Finally, putting police in the role of mentors or youth workers will damage students' ability to trust adults who can help them. A student would have to be afraid of profound consequences if they do not agree or comply with the suggestions of a police officer acting as a mentor or youth worker.

Similarly, the Probation Department is increasingly being positioned as an agent of reform. As a result of several juvenile court closures in Los Angeles, the Probation Department has taken over the handling of all school-based tickets. Probation is currently attempting to 'divert' most school police tickets from the juvenile system by avoiding overly punitive responses. For instance, they are issuing warning letters for truancy tickets instead of imposing fines, or requiring court appearances. In other cases, students may be required to attend a 'behavior management' class. But the consequence of having police referrals go through Probation is still a significant risk. Probation's primary role is to monitor compliance and they have the authority to refer cases to the juvenile system for delinquency prosecution. Even through 'diversion' an extra hurdle is unnecessarily created for the youth and their family, and resources are 'diverted' away from the school-site and student services.

Virtually all school-based behaviors are potentially subject to law enforcement and Probation-involvement with high stakes consequences attached.

## QUICKFACTS ON PROBATION:

*Largest probation agency in the world*

*Budget: \$630 million*

*Mission: "recommending sanctions to the court, enforcing court orders, operating correctional institutions, incarcerating delinquents"*

**Even at its best, where resources-based services are required through the Probation process, students are still removed from the origin of the incident and the potential community of supports at school.**

Student conflicts rarely occur in an isolated context. Whether the disagreements are peer-to-peer, between students and staff, or the result of everyday social pressures facing students, the underlying 'conflict' does not necessarily get resolved by sending a young person away from the source. On the contrary, many students will come back to school having complied with Probation requirements without having a chance to resolve or 'restore' the incident within the school community. Having the juvenile system involved in this manner continues a cycle of missed opportunities and, unfortunately, contributes to an already existing imbalance in enforcement versus intervention as the response to student behaviors.

**EDUCATION  
NOT  
CARCERATION**



**SUPPORTIVE SCHOOLS  
NOT  
TICKETS & HANDCUFFS**



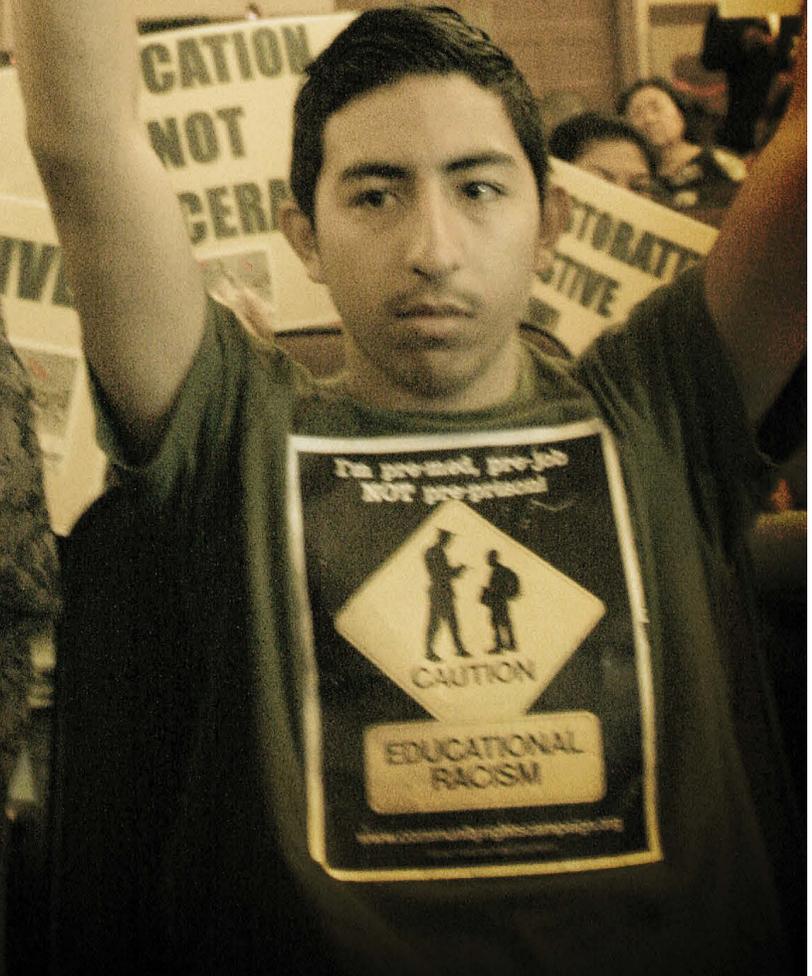
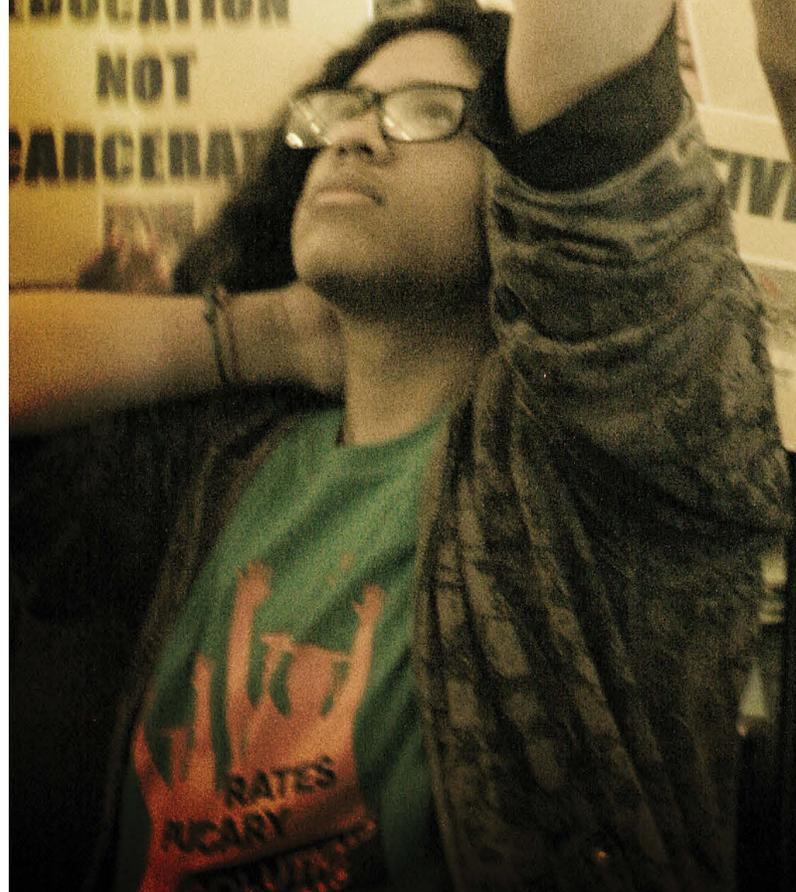
**EDUCATION  
NOT  
INCARCERATION**

**EDUCATION  
NOT  
CARCERATION**

**EDUCATION  
NOT  
CARCERATION**

**EDUCATION  
NOT  
CARCERATION**

**BOSTON  
JUSTICE  
NOW**



**I'm pre-grad, pre-job  
NOT pre-prison**



**CAUTION**

**EDUCATIONAL  
RACISM**

[www.communityrightscampaign.org](http://www.communityrightscampaign.org)

# RECOMMENDATIONS

The over-policing of schools has fundamentally transformed the school experience for LAUSD's overwhelmingly Black and Latino students, eliminating much of the separation between the education system and the justice system. To alleviate this tension, and ensure that all Los Angeles youth are provided a full and equal opportunity to get an education, our schools simply must take a different approach.

## National Momentum for Alternatives to Tickets and Arrests

Research and experience have demonstrated the devastating consequences of Los Angeles schools' current approach to school policing. In fact, there are now several national initiatives that are in the process of addressing the damage caused by the oversized role of law enforcement in schools and promoting alternative strategies that better support school safety and academic achievement.<sup>54</sup> For example:

- ▶ In 2011, the U.S. Department of Justice and U.S. Department of Education launched a collaborative project called the "Supportive School Discipline Initiative," which was designed to address the School-to-Prison Pipeline and the use of disciplinary policies and practices that push students out of school and into the justice system.<sup>55</sup>
- ▶ The National Council of Juvenile and Family Court Judges passed a resolution in 2012 encouraging the reduction of school-based arrests and "inappropriate referrals to juvenile court," and their members are working in jurisdictions across

the country to implement alternative strategies.<sup>56</sup> Additionally, NCJFCJ President – and Presiding Judge of the Los Angeles Juvenile Court – Michael Nash sent a letter to Vice President Joe Biden discouraging additional police presence within schools in response to the Newtown incident.<sup>57</sup>

- ▶ The Council of State Governments Justice Center is leading a national consensus-building process designed to identify and promote school disciplinary methods that result in improved academic outcomes and fewer referrals to the juvenile justice system.<sup>58</sup>

- ▶ Denver IGA: In February 2013, community-based organization *Padres y Jóvenes Unidos* successfully campaigned for an Intergovernmental Agreement (IGA) between the Denver Public Schools and the Denver Police Department. The IGA is designed to explicitly minimize police involvement in schools, emphasize restorative approaches to student behaviors and provides for important due

“Too many schools are employing policies and practices of extreme discipline that push young people out of school and into the juvenile and criminal justice system. The influx of police in schools has been one of the main contributors to the growing number of children funneled into this pipeline.”

Presiding County Juvenile Court Judge Michael Nash

process protections such as parent notification when students are ticketed or arrested at school.

- ▶ In May 2013, the New York City School-Justice Partnership, released their report *Keeping Kids In School and Out of Court*,<sup>59</sup> which contains best practice recommendations that include clarifying and focusing the role of school police so they are not first-responders to school behavior.<sup>59</sup>
- ▶ In September 2013, Texas Senate Bill 393 went into effect. The new law completely eliminates the use of school police tickets in response to student behavior across the state.
- ▶ Pasadena MOU: In September 2013, Pasadena City Council approved a sweeping agreement between the Pasadena Unified School District and the Pasadena Police Department, achieved through negotiations with the ACLU of Southern California, to restrict police intervention to only the most serious cases that have law enforcement notification requirements under state law.

These efforts reflect widespread national recognition that the over-policing of schools has been unjust and harmful. Instead, we need to shift our understanding of what makes a school safe. We must recognize that the best school safety strategies have nothing to do with heavy reliance on police and juvenile courts to address common, school-based offenses. Instead, they involve creating healthy, supportive environments where students can develop strong relationships with teachers, administrators, and other school employees.

**The Community Rights Campaign** is a long-term campaign to challenge suppressive, pre-prison conditions in Los Angeles public schools. Our members are primarily Black and Brown students in LAUSD schools in South and East L.A. and the San Fernando Valley, parents, teachers and community members. Our goal in this document is to solidify the philosophical shift and the important reductions in school-based tickets that

have taken place within the district over the last year by putting into place concrete and lasting policies.

Last year, we began developing the Equal Protection Plan (EPP) to decriminalize student discipline in LAUSD.<sup>60</sup> It is a product of our youth-led movement. It is a sample comprehensive policy that contains specific guidelines to decriminalize student behavior on campus and to ensure that criteria are in place to properly define and limit the role of police at school. The EPP also builds upon existing LAUSD commitments to prevent exclusionary school discipline practices with alternatives such as School-Wide Positive Behavior Interventions and Supports and Restorative Justice.

Many of the following recommendations are central components of the EPP. We are hopeful that the district will take these important steps towards restoring a positive school climate for all students. We also encourage L.A. leadership at all levels to engage in a systemic evaluation of the allocation of resources and take bold action to finance resource-based alternatives to school policing.

## RECOMMENDATIONS FOR LAUSD

**1. Cease LASPD ticketing and arrests for student conduct** in the following disciplinary categories (outlined in the Equal Protection Plan),<sup>61</sup> where there is not an immediate and serious threat of physical harm to students or staff:

- a. disturbance and/or disruption;
- b. truancy;
- c. trespass;
- d. loitering;
- e. profanity;

- f. insubordination and/or noncompliance with school rules;
- g. vandalism, graffiti or possession of implements of graffiti;
- h. fighting and/or physical conduct not involving serious bodily harm;
- i. verbal disruption or aggression;
- j. petty theft;
- k. possessing tobacco or a lighter; and
- l. possessing or using any controlled substance or alcoholic beverage that does not mandate suspension or expulsion.

**2. End all LASPD ticketing and arrests for elementary and middle school students.**

**3. Ensure civil rights remedies at schools where tickets and arrests demonstrate racial inequities.** Under the School Climate Bill of Rights, the district will provide restorative justice training for civil rights violations at school-sites where 10% of a particular subgroup or 10% of overall students were arrested or given citations.

**4. Clearly define and limit the role of police on campus** and build the capacity of youth intervention workers, counselors, administrators, teachers, and other support staff to respond to school-based incidents. The police role should be focused on preventing and handling the most serious school safety issues. Police should not be retrained as counselors, mentors or youth workers. The district is responsible for creating clear guidelines for the role and responsibilities of school police that contain criteria to properly distinguish administrative from criminal responses.

**5. Direct new federal funding for safety to increase counselors, youth intervention workers and other resource-based school personnel, not to add police.**

Unfortunately, the Department of Justice has already awarded more than \$125 million towards law enforcement post-Newtown with at least \$45 million directly tied to increasing police presence in schools. Similarly, President Obama’s proposed \$150 million for increasing counselors OR police is currently moving through Congress.

**6. Build Restorative Justice programs and fully implement SWPBIS as positive alternatives,**

consistent with the District’s Discipline Foundation Policy and under the School Climate Bill of Rights. A meaningful and lasting emphasis on positive alternatives may require a significant shift in our funding priorities. It is disheartening that in the same year that the School Climate Bill of Rights resolution passed, there was a combined \$8.2 million increase to the LAUSD police and security infrastructure budget. To staff most public middle and high schools with a full-time restorative justice coordinator in LAUSD is comparable at \$8 million. In contrast, LAUSD’s implementation of the Local Control Funding Formula is an opportunity to begin to remedy the school-to-prison-pipeline by ensuring that funds are directed to support full implementation of School-Wide Positive Behavior Interventions and Supports and capacity for Restorative Justice programs in all schools.

**7. Provide LASPD quarterly data and reporting** to the District on all citations, arrests, referrals, complaints, stops and searches—broken down by age, race, and gender. The process for reviewing the data and ensuring accountability should be overseen by those most

impacted by school-based policing: parents, students, teachers and community organizations.

## ADDITIONAL SOLUTIONS BEYOND LAUSD

**What is happening in Los Angeles is connected to wider arenas of policy. There are other agencies and bodies which have an important role to play.**

### MAYOR, CITY COUNCIL AND MTA

- ▶ **End all tickets and stops for “Fare Evasion”—Implement a free youth pass.** “Fare Evasion” is currently the #1 category of police referral for youth across L.A. County, accounting for 27% of all tickets issued. We urge the Mayor, L.A. City Council and L.A. Metro to end this form of youth criminalization (ticketing, unnecessary searches) so that public transit can serve as a bridge, not a barrier, for student attendance and success.<sup>62</sup>

### CALIFORNIA STATE LEGISLATURE

- ▶ **Clarify role of adults on campus and include limitations on police role.** Create a meaningful process requiring schools and school districts to work with students, parents and community members to develop codified guidance to clarify the role of adults on campus in relationship to school discipline and impose limitations on police involvement in school-based incidents that should be handled through administrative, not criminal, responses. Prioritize funding for alternative forms of school discipline — for strategies that prevent school ‘push out’ and criminalization of student behavior.<sup>63</sup>

### PRESIDENT OBAMA

- ▶ **Reject proposals to increase security and police in schools**
- ▶ **Increase funding for federal civil rights oversight of school discipline and school-based policing.** Affirm the recent work of the Department of Education in gathering civil rights data on school-based policing. Ensure that the Department of Education and the Department of Justice diligently review civil rights complaints and order remedies when students’ educational, civil and human rights are egregiously violated, as in the recent Mississippi case. Title VI of the 1964 Civil Rights Act prevents agencies receiving federal funding from using funds in a racially discriminatory manner. In L.A., Title VI can guide LAUSD to end racially “disparate impacts” of ticketing and arrests and to reach full compliance with Title VI by working with students, parents, and community groups to initiate policies that offer “equal protection” to all students regardless of race, ethnicity, or national origin.

## ENDNOTES

1. The School Climate Bill of Rights ('SCBR') is a resolution authored by Board Member Monica Garcia passed by the LAUSD Board on May 14, 2013, to enact policy to roll back "zero tolerance" discipline and implement resource-based alternatives. The SCBR is a project of the Brothers, Sons and Selves Coalition, of which the Community Rights Campaign is a founding member, in partnership with Board Member (former Board President) Monica Garcia. The full text of the resolution is available at <http://www.thestrategycenter.org/node/6060>. More information about the Brothers, Sons, Selves Coalition is available at <http://www.libertyhill.org/Programs/campaigns/brotherssonselves>
2. The Dignity in Schools Campaign is a national effort to challenge the systemic problem of school pushout. The L.A. Chapter of the Dignity in Schools Campaign is a coalition consisting of the American Civil Liberties Union – Southern California (ACLU – SC), the Children's Defense Fund (CDF), Community Asset Development Re-defining Education (CADRE), Community Rights Campaign (CRC), Public Counsel and Youth Justice Coalition (YJC).
3. Recent projections by juvenile court officials indicate that there are possibly close to 300,000 unresolved cases with current holds on the ability to obtain a driver's license carried over from the now closed Informal Juvenile Traffic Court.
4. We thank Public Counsel for submitting and covering the costs of Public Records Act Requests (PRAR) to obtain school-based ticket and arrest data and for distributing the data to community groups.
5. The comparisons of the 2011-12 and 2012-13 school years are more generous than reality. The 2012-2013 ticket and arrest data exclude the last month (June) because they were not available at the time of writing. Both years of data exclude incidents involving youth 18 or older. For school-by-school data below, a small percentage of school tickets and arrests were not counted because of inadequate record keeping. Finally, 2011-2012 was not a typical year for tickets and arrests, since our advocacy efforts had already resulted in lower levels from historical norms.
6. Prema Anand, *Winners and Losers: Corrections and Higher Education in California*, *California Common Sense* (Sept 5, 2012) <http://www.cacs.org/ca/article/44>; see also John Fendsterwald, *California drops to 49th in school spending in annual Ed Week report*, Ed Source (January 14, 2013).
7. Data released by the American Association of School Counselors available at <http://www.schoolcounselor.org/files/Ratios10-11.pdf> 850b-e29b2f1f17f&Menu=dbd39a1f-3319-4a75-8f69-d1166d-ba5d70&res=.
8. The Sentencing Project, *The Facts About Dangers of Added Police in Schools* (citing Torres, & Stefkovich, *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*, *Education Administration Quarterly* 45(3) (2009) 450-473).
9. Los Angeles School Police Department, *What is the LASPD About*, <http://www.laspd.com/about.html>.
10. According to data provided by the L.A. County Probation Department.
11. Florida district data was taken from: Florida Department of Juvenile Justice, *Delinquency in Florida's Schools: An Eight-Year Study*, Jan. 2013, [http://www.djj.state.fl.us/docs/comm/fy-2011-12-delinquency-in-schools-analysis-\(final-release\)-\(1-3-2012\).pdf?sfvrsn=2](http://www.djj.state.fl.us/docs/comm/fy-2011-12-delinquency-in-schools-analysis-(final-release)-(1-3-2012).pdf?sfvrsn=2). Philadelphia was taken from: Pennsylvania Department of Education, "Safe Schools Online," <https://www.safeschools.state.pa.us/Main.aspx?App=6a935f44-7cbf-45e1-850b-e29b2f1f17f&Menu=dbd39a1f-3319-4a75-8f69-d1166d-ba5d70&res=>. Chicago data was provided by Voices of Youth in Chicago Education, and was obtained through a public records request to Chicago Public Schools. New York City data came from the New York Civil Liberties Union, <http://www.nyclu.org/files/releases/School%20Safety%20Fact%20Sheet%202011-2012.pdf>. All other data comes from the U.S. Department of Education Office of Civil Rights's Civil Rights Data Collection, <http://ocrdata.ed.gov>. Note that districts that did not submit complete data sets to the Office of Civil Rights, and did not publicly report their data elsewhere, were excluded from this analysis. Enrollment data used came from state departments of education or the Civil Rights Data Collection.
12. See, e.g., New York Civil Liberties Union, *School to Prison Pipeline*, <http://www.nyclu.org/issues/youth-and-student-rights/school-prison-pipeline>; Florida State Conference NAACP, *Advancement Project*, and NAACP Legal Defense and Educational Fund, Inc., *Arresting Development: Addressing the School Discipline Crisis in Florida* (Spring 2006), available at [http://b3cdn.net/advancement/e36d17097615e7c612\\_bbm6vubow.pdf](http://b3cdn.net/advancement/e36d17097615e7c612_bbm6vubow.pdf).
13. Data obtained from LAUSD and LAPD, via the Los Angeles Chapter of the Dignity in Schools Campaign and Public Counsel. Note that all data are likely conservative because they exclude tickets for anyone over the age of 18, and exclude arrests for anyone over the age of 17 (18-year-old school-based arrests were not discernible from the data provided). The 2011-12 school year was defined as 7/5/11 through 6/29/12, which represented the first and last days of any of the academic tracks within LAUSD. LAUSD, "LAUSD Announces School Calendars for 2011-2012," [http://notebook.lausd.net/pls/ptl/docs/PAGE/CA\\_LAUSD/LAUSD-NET/ABOUT\\_US/INFORMATION/DISTRICT\\_CALENDARS/KEY%20CALENDAR%20DATES%202011-12SCHOOL%20CALENDAR.PDF](http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/LAUSD-NET/ABOUT_US/INFORMATION/DISTRICT_CALENDARS/KEY%20CALENDAR%20DATES%202011-12SCHOOL%20CALENDAR.PDF). National context is based on conversations with Jim Freeman, a nationally recognized expert on school discipline.
14. See, e.g., Youth United for Change & Advancement Project, *Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison* (Jan 2011); see also Pennsylvania Department of Education, *Safe Schools Online* available at <https://www.safeschools.state.pa.us/Main.aspx?App=6a935f44-7cbf-45e1-850b-e29b2f1f17f&Menu=dbd39a1f-3319-4a75-8f69-d1166d-ba5d70&res=>.
15. Race data was not provided for 102 of the tickets and arrests; these were excluded from this calculation.
16. See, e.g., American Psychological Association (APA) *Zero Tolerance Task Force, Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations* (2006).
17. The Sentencing Project, *The Facts About Dangers of Added Police in Schools* (citing Mario S. Torres, Jr. & Jacqueline A. Stefkovich, *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*, *Education Administration Quarterly* 45(3): 450-473, 2009).

18. See, e.g., Bernadine Dohm, “Look Out Kid, It’s Something You Did” *The Criminalization of Children in The Public Assault on America’s Children, Poverty, Violence and Juvenile Injustice* (Polakow, edit., 2000) p. 157; Advancement Project, Test, Punish, and Pushout: How “Zero Tolerance” and High Stakes Testing Funnel Youth Into the School- to-Prison-Pipeline (2010); Michelle Fine and Jessica Ruglis, *Circuits and Consequences of Dispossession: The Racialized Realignment of the Public Sphere for U.S. Youth* (2009) *Transforming Anthropology* 17 (1) pgs. 20-33; Aaron Kupchik and Geoff K. Ward, *Reproducing Social Inequality Through School Security: Effects of Race and Class on School Security Measures* available at [www.edweek.org/media/kupchikward-02security.pdf](http://www.edweek.org/media/kupchikward-02security.pdf)
19. In 2007, CADRE, a parent-led community group based in South L.A., with allies Public Counsel, secured a major school discipline victory with the passing of LAUSD’s School Discipline Foundation Policy: School-Wide Positive Behavior Support, BUL 3638.0 (March 27, 2007).
20. Amrit Thapa, National School Climate Center, School Climate Research (February 2013) available at [www.schoolclimate.org/publications/documents/sc-brief-research.pdf](http://www.schoolclimate.org/publications/documents/sc-brief-research.pdf)
21. Free LA High School (Fight for the Revolution that will Education and Empower Los Angeles), a project of the Youth Justice Coalition, is an exemplary school environment serving one of the most economically disenfranchised areas of South L.A. that relies on transformative justice to respond to school-based incidents and rejects the presence of armed police or security on campus. In addition to the core academic programming, Free L.A. offers training and direct, experiential learning in social justice organizing and movement building.
22. Under very limited circumstances, school administrators are required to notify law enforcement of acts on campus. The decision to arrest however remains at the discretion of the officer. (See Ed. Code section 48902).
23. David S. Kirk & Robert J. Sampson, *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, *Sociology of Education*, 86(1) (2013) 36-62.
24. According to data provided by Public Counsel and the School-Based Arrest Reform Partnership, batteries (a harmful or offensive touching of another) made up the majority of school-based arrests at 55% in 2011. Further, 61% of the arrests for black students were for battery charges.
25. CalGang is a statewide database that allows police to track and share information about alleged gang members. For a comprehensive review of the history and problems associated with gang databases see Youth Justice Coalition’s REALSEARCH Action Research Center, *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions* available at <http://www.youth4justice.org/>.
26. See, e.g., Stop, Question and Frisk in New York Neighborhoods, *The New York Times* (July 11, 2010) available at <http://www.nytimes.com/interactive/2010/07/11/nyregion/20100711-stop-and-frisk.html?ref=stopandfrisk>.
27. Report of Jeffery Fagan, Ph.D., in *Floyd, et. al. v. City of New York* (case holding that City is liable for policy of unlawful stops resulting in racial profiling) available at [http://ccrjustice.org/files/Expert\\_Report\\_JeffreyFagan.pdf](http://ccrjustice.org/files/Expert_Report_JeffreyFagan.pdf).
28. The Black Organizing Project, Public Counsel and ACLU of Northern California, *From Report Card to Criminal Record* (August 2013) (overall arrests percentage is over 2006-2012; and school arrest percentage is over the last 2 years).
29. *Id.* at 28.
30. Report by Justice for Families with research support by DataCenter, *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice* (September 2012).
31. Kirk & Sampson, *Juvenile Arrest*, 86 (1) 36-62; see also Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, (2006) 473-477.
32. See, e.g., Advancement Project, Test, Punish, and Pushout: How “Zero Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline (2010) [http://b3cdn.net/advancement/do5cb2181a4545db07\\_r2im6caqe.pdf](http://b3cdn.net/advancement/do5cb2181a4545db07_r2im6caqe.pdf).
33. Chongmin Na & Denis Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, *Justice Quarterly* (2011) 1-32; see also Jennings, et al., *Evaluating the Relationship between Law Enforcement and School Security Measures and Violent Crime in Schools*, *Journal of Police Negotiations* 11(2) (2011) 109-124.
34. See, e.g., Youth United for Change & Advancement Project, “zero tolerance” in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison, Jan. 2011.
35. Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* (2003) 336, 340; Matthew J. Meyer & Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* (1999) 333, 352; Gary Gottfredson, et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* (2005) 412, 433 available at [www.joanmaher.com/my\\_documents/courses\\_hs\\_english\\_012/unit\\_2/sidcra/resources/schoolclimatepredictors.pdf](http://www.joanmaher.com/my_documents/courses_hs_english_012/unit_2/sidcra/resources/schoolclimatepredictors.pdf) (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).
36. See e.g., Report by Justice for Families with research Support by DataCenter, *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice* (September 2012).
37. See, e.g., ACLU of Mississippi, Mississippi NAACP, Mississippi Coalition for the Prevention of Schoolhouse to Jailhouse, & Advancement Project, *Handcuffs on Success: The Extreme School Discipline Crisis in Mississippi* (2013).
38. See Douglass A. Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (2008); see also Kristian Williams, *Our Enemies in Blue: Police and Power in America* (2007).
39. See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010); see also Lynnell Hancock, *Framing Children in the News: The Face and Color of Youth Crime in America in The Public Assault on America’s Children, Poverty, Violence and Juvenile Injustice* (Polakow, edit., 2000) p. 78.

40. As with the 2011-2012 data, the beginning and end points of the school year were defined as the first and last days of any of the academic tracks within LAUSD, per that year's academic calendar.
41. Judge Nash's policy is a product of his collaboration with the ACLU – Southern California, Community Rights Campaign and Public Counsel.
42. Marc Mauer, *The Sentencing Project, The Changing Racial Dynamics of Women's Incarceration* (Feb 2013).
43. Kirk and Sampson, *Juvenile Arrest*, 86 (1) 36-62.
44. California Department of Public Health Vital Statistics.
45. Blumenberg Child Poverty Study UCLA Lusk School.
46. *Spread Thin: Human Services Organizations in Poor Neighborhoods*, UCLA School of Public Affairs.
47. The Homeless Youth Project (HYP), a program of the California Research Bureau, released the report. *State Action Plan to End Youth Homelessness 2013*.
48. See, e.g., Nirvi Shaw, *Districts Get Bold on School Security*, Education Week (Jan. 22, 2013) [http://www.edweek.org/ew/articles/2013/01/23/18safety\\_ep.h32.html?tkn=ZPXF2DlVWc18G-n5YupLTt9aJAutMdlbMpiXf&cmp=ENL-EU-NEWS1](http://www.edweek.org/ew/articles/2013/01/23/18safety_ep.h32.html?tkn=ZPXF2DlVWc18G-n5YupLTt9aJAutMdlbMpiXf&cmp=ENL-EU-NEWS1).
49. Richard Simon, Sen. Boxer Proposes Deploying National Guard at Schools, *L.A. Times* (Dec. 19, 2012) available at <http://articles.latimes.com/2012/dec/19/news/la-pn-sen-boxer-national-guard-schools-20121219>.
50. "Department of Justice Awards Hiring Grants for Law Enforcement and School Safety Officers" Sept 27, 2013. [http://www.justice.gov/opa/pr/2013/September/13-ag-1088.html?utm\\_source=DOJ+School+Resource+Ofcr+Response+9.13&utm\\_campaign=SRO+funding+by+DOJ+9.13](http://www.justice.gov/opa/pr/2013/September/13-ag-1088.html?utm_source=DOJ+School+Resource+Ofcr+Response+9.13&utm_campaign=SRO+funding+by+DOJ+9.13)
51. Correspondence to Vice President Joe Biden from the Honorable Michael Nash, President of the National Council on Juvenile and Family Court Judges "Re: Response to Follow-up Newtown - Call for Ideas" (January 14, 2013); Correspondence to Vice President Joe Biden from the National Education Association (January 4, 2013); and Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign and Legal Defense Fund, "Police in Schools Are Not the Answer to the Newtown Shooting" (Jan 2013).
52. Joel Rubin, Howard Bloom, & Andrew Blankstein, *In Wake of Newtown Tragedy, LAPD to Step Up Presence at Elementary, Middle Schools*, *The Los Angeles Times* (Dec. 17, 2012) <http://articles.latimes.com/2012/dec/17/local/la-me-lapd-security-20121218>.
53. Data released by the American Association of School Counselors.
54. See, e.g., Press Release, President Obama Signs New Initiative to Improve Educational Outcomes for African Americans (July 26, 2012), *The White House: Office of the Press Secretary*, available at <http://www.whitehouse.gov/the-press-office/2012/07/26/president-obama-signs-new-initiative-improve-educational-outcomes-africa>; National Leadership Summit on School-Justice Partnerships, *Keeping Kids in School and Out of Court* (May 2013) available at <http://www.nycourts.gov/ip/justiceforchildren/school-justice.shtml>; Press Release, "Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices (July 21, 2011) available at <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>.
55. Press Release, Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices (July 21, 2011) available at <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>.
56. National Council of Juvenile and Family Court Judges Resolution, *Juvenile Courts and Schools Partnering to Keep Kids in School and Out of Court* (March 21, 2012) available at [http://www.ncjfcj.org/sites/default/files/RESOLUTION%20Partnering%20to%20Keep%20Kids%20in%20School%20and%20Out%20of%20Court\\_fnl-3-21-12.pdf](http://www.ncjfcj.org/sites/default/files/RESOLUTION%20Partnering%20to%20Keep%20Kids%20in%20School%20and%20Out%20of%20Court_fnl-3-21-12.pdf).
57. National Council of Juvenile and Family Court Judges, NCJFCJ's Position on Increased Police Presence in Schools, <http://www.ncjfcj.org/ncjfcjs-position-increased-police-presence-schools>.
58. Council of State Governments Justice Center, <http://justice-center.csg.org/resources/juveniles>.
59. National Leadership Summit on School-Justice Partnership, *Keeping Kids In School and Out of Court* (May 2013).
60. The Community Rights Campaign's Equal Protection Plan (EPP) is a working document. Several existing sources on school discipline policy and the role of law enforcement were relied upon in the development of the EPP including but not limited to the National Dignity in Schools Campaign's "Model Code"; Denver Unified School District's "Student Conduct and Discipline Procedures"; Clayton County's "School Referral Cooperative Agreement"; Birmingham City Schools' "Collaborative Agreement"; San Francisco Unified School District's "Student - Parent/Guardian Handbook Police Contact and Intervention Policy"; and Los Angeles Unified School District's "Discipline Foundation Policy: School-Wide Positive Behavior Support, BUL-3836.0" (March 27, 2007).
61. See Appendix for full text of the Equal Protection Plan.
62. See Los Angeles County School Attendance Task Force, *A Comprehensive Approach to Improving Student Attendance in Los Angeles County* (Feb 2012) 28-29; see also the L.A. County Education Coordinating Council's Resolution (April 4, 2013) (supporting a free youth transit pass).
63. A statewide collective of community and advocacy organizations have partnered to proactively seek these policy reforms at the state level. The organizations include ACLU of Southern California, Black Organizing Project of Oakland, Children's Defense Fund California, Community Rights Campaign, PolicyLink, and Youth Justice Coalition.

## APPENDIX

# Community Rights Campaign's Equal Protection Plan To Decriminalize School Discipline

(proposed policy for the Los Angeles Unified School District)

## SECTION ONE – GUIDING PRINCIPLES OF SCHOOL DISCIPLINE & EQUAL PROTECTION

### 1. Characteristics of Disciplinary Practices

A. Successful disciplinary practices have the following characteristics:

1. They are explicit, reasonable, and timely;
2. They have logical, fair, and consistent consequences that match the severity of the behavior they are intended to address;
3. They include a variety of prevention, intervention and support measures;
4. They provide the opportunity for meaningful parent/guardian and student participation and input;
5. They respond to individual differences among students with insight and sensitivity;
6. They ensure the opportunity for students to be engaged in their school community and obtain an education;
7. They are paired with meaningful instruction, guidance and support and offer students an opportunity to learn from their mistakes;
8. They take into account the needs of the student, the needs of those who were affected by student behavior, and the needs of the overall school community.

### 2. Refraining from Use of Exclusionary Discipline

A. Schools shall refrain from interrupting a student's education to the greatest extent possible. Schools shall minimize referrals to law enforcement, to the greatest extent practicable, while remaining consistent with state statute, local ordinances, and mandatory reporting laws.

### 3. Preventive and Positive Discipline

A. Schools shall implement preventive and positive approaches, pursuant to existing District-wide policy, that create safe, supportive and positive school climates and respond to student behaviors with interventions and consequences aimed at understanding and addressing the causes of misbehavior, resolving conflicts, meeting students' needs and keeping students in school and learning.

B. Schools shall prioritize disciplinary approaches that support a culture of respect between students, parents or guardians, teachers and administrators. Schools shall utilize disciplinary approaches to the greatest extent practicable, that include opportunities for a restorative process to take place and allow for balanced and equal participation and input of all the parties involved, including students, teachers and parents or guardians.

### 4. Non-Discrimination

A. School district staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, immigration status or disability.

## **5. Addressing Racial Disparities**

A. The Equal Protection Clause of the United States Constitution, the Civil Rights Act of 1964, and State doctrines, such as the California Constitution, demand and guarantee equality of treatment, social justice, protection of civil rights, and freedom from racial discrimination.

B. The District shall work together with parent groups, community organizations, and institutions of higher education to explore methods of addressing and remedying the disparate treatment and outcomes for youth in our schools and community, including but not limited to the review and evaluation of current school police policies, practices and training relating to the equitable treatment of students.<sup>1</sup>

C. Each school shall additionally establish committees comprised of school personnel, parents, and students to monitor, evaluate and inform school discipline policies and address factors relevant to school climate including the use of school police citations, referrals to probation and/or potential arrests. The use of school discipline and school police data is recommended in this process.

## **SECTION TWO - THE ROLES OF LAUSD AND THE LOS ANGELES SCHOOL POLICE DEPARTMENT**

### **1. Role of LASPD in the Educational Context**

A. The mission of the LASPD and LASPD employees is to improve school safety and the educational climate at the school, not to enforce school discipline or punish students. The District and the LASPD shall implement a non-punitive enforcement model that supports strategic problem-solving models rather than citation and arrest driven enforcement.<sup>2</sup>

B. Law enforcement citations, referrals to the probation department and/or potential arrests, shall not be used as a form of school discipline. Although some incidents may be viewed as both criminal and disciplinary, LASPD shall follow the guidelines contained within, to avoid unnecessarily criminalizing student behavior.

C. LASPD shall refrain from formal law enforcement intervention (e.g. issuance of citation, referral to a probation officer, or actual arrest) for students in elementary and middle school. Special consideration shall also be given for students 16 and younger in order to more effectively support a healthy integration for youth into the high school environment.

D. Absent an immediate and serious threat of physical harm to students or staff, student conduct shall be considered school discipline issues to be handled by school officials rather than criminal offense issues warranting

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<sup>1</sup> See *LAUSD Board Resolution*, supra note 4.

<sup>2</sup> See *LAUSD Strategic Plan 2012-2015*, Strategy #4, Initiative A.

formal law enforcement intervention, (e.g., issuance of a citation, referral to a probation officer, or potential arrest<sup>3</sup>) including but not limited to the following:

- a. disturbance and/or disruption;
- b. truancy;
- c. trespass;
- d. loitering;
- e. profanity;
- f. insubordination and/or noncompliance with school rules;
- g. vandalism, graffiti or possession of implements of graffiti;
- h. fighting and/or physical conduct not involving serious bodily harm;
- i. verbal disruption or aggression;
- j. petty theft;
- k. possessing tobacco or a lighter; and
- l. possessing or using any controlled substance or alcoholic beverage that does not mandate suspension or expulsion.

E. The purpose of existing District policy regarding student conduct involving controlled substances, alcohol, tobacco, and intoxicants, is to maintain safe and drug-, alcohol-, tobacco-, and intoxicant-free schools, as well as to provide programs and services that reduce and curtail student use of these substances. Whenever possible, positive, non-punitive interventions that are designed to help the student shall be implemented.<sup>4</sup>

F. The school administrator or designee shall be notified and consulted in the event of law enforcement involvement with students and prior to the issuance of a citation, a referral to probation and/or an actual arrest of a student takes place on school grounds.

G. A student's parent or guardian shall be notified immediately if a citation, referral to probation and/or an actual arrest takes place on school grounds. Notification shall include the basis for the citation, referral to probation and/or actual arrest, information regarding the student's legal rights and information regarding District policy on student discipline, including but not limited to the guidelines contained within this Plan.

H. To the greatest extent practicable, the District intends that the guidelines contained within shall apply to all law enforcement entities, including but not limited to LASPD, LAPD, LASD, School Safety Officers and/or private security officials, where contact with LAUSD students is related to incidents that arise on school grounds or in relationship to the student's educational setting.

I. To the greatest extent practicable, the District intends that the guidelines contained within shall apply to all LAUSD schools, including charter, public choice schools and community day schools.

J. Nothing in this Plan prevents schools administrators from further defining and clarifying the role of LASPD and other law enforcement officers on their campus in relation to improving school safety and the educational climate, such as notification to school administration regarding student conduct or school-based incidents for the purpose

<sup>3</sup> LAUSD and LASPD are committed to continuing ongoing participation on the School-Based Arrests Reform process. Nothing in this Plan shall prevent the District from taking additional measures in direct relation to school-based arrests and efforts to reduce juvenile court involvement for LAUSD students.

<sup>4</sup> LAUSD BULL 3277.1

of initiating an administrative assessment an implementation of preventive and positive interventions as an alternative to citations, probation referrals and/or potential arrests (See Section Three).

## **2. The Role of the District**

A. The District shall obtain from the LASPD Chief quarterly district-wide reports that include data and descriptions of all complaints filed; incidents or calls for service; administrative referrals; school-based referrals and notifications to law enforcement; searches; student questioning; citations; filing of delinquency petitions; referrals to probation; actual arrests; and other referrals to the juvenile justice system.

B. The District, in collaboration with the LAUSD Board of Education, shall implement a process for quarterly meetings and public review and comment regarding LASPD data and reporting, within 3 months of adopting this Plan.

C. The District, in collaboration with the LAUSD Board of Education, shall review all quarterly reporting for the purpose of monitoring for compliance with this Plan.

## **3. Procedures Concerning Other Law Enforcement Contact with LAUSD Students**

A. Law enforcement shall not conduct a search of a student's person, possessions, or locker unless there is probable cause to believe the student committed or is committing a serious offense and the offense at issue poses the threat of serious and immediate physical harm to an individual within the school community.

B. A school administrator or designee shall be consulted before LASPD, or another law enforcement entity, conducts a search on a student's person, possessions, or locker, pursuant to the probable cause standard articulated above.

C. LAPSD, or another law enforcement entity, shall not request that school officials conduct a search of a student's person, possessions, or locker in order to evade the probable cause standard articulated above.

D. Questioning of a student by law enforcement requires that students are informed of their Miranda rights and provided a meaningful opportunity to exercise their legal rights. Questioning by law enforcement shall be reserved only for conduct that constitutes a serious and immediate threat of physical harm within the school community. Notice of such questioning shall be given to a principal or designee. If the student to be questioned is under the age of 18, the student's parent or guardian must be notified prior to questioning.

E. Strip searches of students by law enforcement or school officials are prohibited.

F. Any law enforcement contact with LAUSD students with disabilities shall be in accordance with the student's individualized education program (IEP), any behavior intervention plan, 504 Plan, and District policy.

G. Immigration officials shall not be permitted on school campus at any time, and student information shall not be shared with immigration officials.

## **SECTION THREE - INTERVENTIONS AND ALTERNATIVES TO SCHOOL POLICE CITATIONS AND ARRESTS**

### **1. School-Based Interventions and Alternative Responses to LASPD Citations, Probation Referrals and Potential Arrests Pursuant to Existing LAUSD Policies and Procedures**

A. There are a number of existing district policies that apply to the types of incidents described in (a) – (l) within Section Two of this Plan, that do not involve the use of law enforcement. Wherever practicable, and absent an immediate and serious threat of physical harm to a student, teacher, or other member of the school community, school administrators shall refrain from referring students to law enforcement.

B. When student conduct occurs at school, school administrators shall ensure that an assessment takes place regarding the circumstances of the incident that includes consideration of the relevant factors described below. The purpose of such an assessment shall be to:

- a. Determine appropriate interventions and consequences for student behavior;
- b. Implement interventions that minimize the use of law enforcement;
- c. Emphasize responses that provide students an opportunity to learn from their mistakes and that maintain student and family engagement in the learning community.

C. When choosing interventions, supports and consequences, teachers, administrators, and staff must balance the goals of providing corrective feedback and addressing the impacts on the school environment, with maximizing student instruction time and refraining from the use of exclusionary discipline.

Prior to disciplining students, school administrators shall complete an assessment that includes consideration of the following factors:

- a. Health and disability or special education status of the student;
- b. Age of the student;
- c. Underlying factors and circumstances related to the student behavior, for example, the quality of teacher-student relations, the student's understanding of the problem and whether there are any unique circumstances present that effect the student's overall well-being, including but not limited to the presence of learning and social-emotional stressors, foster care placement, homelessness, mental health or trauma, etc;
- d. History and effectiveness of previous attempts at corrective action, including but not limited to whether previous alternatives to exclusionary discipline have been documented; and
- f. The impact of the incident on the overall school community and capacity for restorative repair.

D. School administrators and staff shall furthermore develop restorative justice programs and practices on-site, that are intended to improve school climate and respond to individual incidents in such a manner where all individuals who are impacted by a behavior conflict shall collectively identify the harm done, develop solutions for how the harm will be addressed, and identify the needs and obligations of all involved in order to heal and repair the situation as fully as possible without excluding students from the learning community.

E. In lieu of law enforcement involvement (citations, probation or juvenile court referrals and potential arrests) and in addition to preventive and positive discipline and restorative justice programs, administrative responses shall be implemented pursuant to existing policies and procedures consistent with this Plan. All interventions should balance the needs of the student, the needs of those directly affected by the behavior, and the needs of the overall school community.

F. The following is a list of existing positive and preventive administrative responses<sup>5</sup> that shall be implemented in lieu of formal law enforcement intervention<sup>6</sup> and in addition to the ongoing development of restorative justice programs for student conduct delineated in (a) – (l).

<b>Administrative Responses (Alternatives to Citations, Probation or Juvenile Court Referrals and Potential Arrests)</b>	<b>Level A Student Behaviors</b>
<ul style="list-style-type: none"> <li>- restorative justice circles</li> <li>-implementation of preventive plans that reinforce behavioral expectations and identify resources at school, local district and in the community</li> <li>-with the student, develop a contract with explicit expectations for behavior and consequences</li> <li>-parent/caregiver outreach and participation</li> <li>-re-teach group expectations</li> <li>-use systematic positive reinforcement</li> <li>-use mentoring strategies</li> <li>-daily report cards involving parents and staff</li> <li>-peer tutoring/counseling</li> <li>-determine the function of the student’s behavior and teach replacement behavior</li> </ul>	<ul style="list-style-type: none"> <li>Classroom disruption</li> <li>Occasional tardiness</li> <li>Poor team work/incomplete work</li> <li>Harassing other students</li> <li>Inappropriate clothing for school</li> <li>Non-compliance with rules</li> </ul>
<b>Administrative Responses (Alternatives to Citations, Probation or Juvenile Court Referrals and Potential Arrests)</b>	<b>Level B Students Behaviors</b>
<ul style="list-style-type: none"> <li>- restorative justice circles</li> <li>-prevention plans for collaborating with parents, coordinating services and accessing school, local district, District and community resources</li> <li>-involve students in development of individual behavior support plan</li> <li>-enlist parent participation in a consistent response plan</li> <li>-clean up</li> <li>-convene a Student Success Team</li> <li>-parent/caregiver conference</li> <li>-use debriefing forms to address misconduct</li> <li>-refer to community agencies</li> <li>-assign campus responsibilities</li> <li>-provide conflict resolution, peer mediation, anger management</li> <li>-encourage enrichment activities</li> <li>-assign alternatives to suspension</li> </ul>	<ul style="list-style-type: none"> <li>Fighting</li> <li>Excessive tardiness/ongoing defiance</li> <li>Engaging in habitual profanity/vulgarity</li> <li>Being under the influence of alcohol or drugs</li> <li>Vandalism/graffiti/theft</li> <li>Bullying</li> <li>Harassment</li> <li>Sexual harassment</li> <li>Truancy</li> </ul>

<sup>5</sup> LAUSD BUL 3638.0, Attachment 1, *LAUSD Consequences/School Response Reference Guide*.

<sup>6</sup> Refer to Appendix B for a list of the criminal offenses that have resulted in citations, referrals to probation and/or potential arrests for the same Level A and Level B student behaviors with corresponding administrative responses set forth in BUL 3638.0, Attachment 1.

## **SECTION FOUR - STAFF TRAINING**

A. LASPD officers shall receive ongoing and mandatory training on specific issues related to their unique role working in educational settings with youth and adolescents, including but not limited to, the guidelines contained within this Plan, district policies and procedures on student discipline, the role and responsibilities of school administrators and alternatives to exclusionary and punitive disciplinary practices (e.g., school-wide positive behavior supports and interventions, restorative justice, etc.).

B. School administrators and staff shall receive training on the role and responsibilities of LASPD officers, including but not limited to the guidelines contained within this Plan.

C. The District, in collaboration with the Board of Education, shall review and oversee all training requirements of LASPD officers.

## **SECTION FIVE - RESOURCES**

For a comprehensive list of district and community-based supports see LAUSD School Mental Health, Student Health & Human Service, Resource Guide of Agencies and Social Services (2011-2012).



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