

More kids in court system with cops in schools

By Erik Eckholm, New York Times

HOUSTON – As school districts across the country consider placing more police officers in schools, youth advocates and judges are raising alarm about what they have seen in the schools where officers are already stationed: a surge in criminal charges against children for misbehavior that many believe is better handled in the principal's office.

Since the early 1990s, thousands of districts, often with federal subsidies, have paid local police agencies to provide armed "school resource officers" for high schools, middle schools and sometimes even elementary schools. Hundreds of additional districts, including those in Houston, Los Angeles and Philadelphia, have created police forces of their own, employing thousands of sworn officers.

In the wake of the Newtown, Conn., shootings, a task force of the National Rifle Association recommended placing police officers or other armed guards in every school. The White House has proposed an increase in police officers based in schools.

The effectiveness of using police officers in schools to deter crime or the remote threat of armed intruders is unclear. The new N.R.A. report cites the example of a Mississippi assistant principal who in 1997 got a gun from his truck and disarmed a student who had killed two classmates, and another in California in which a school resource officer in 2001 wounded and arrested a student who had opened fire with a shotgun.

Yet the most striking impact of school police officers so far, critics say, has been a surge in arrests or misdemeanor charges for essentially nonviolent behavior – including

scuffles, truancy and cursing at teachers – that sends children into the criminal courts.

“There is no evidence that placing officers in the schools improves safety,” said Denise C. Gottfredson, a criminologist at the University of Maryland who is an expert in school violence. “And it increases the number of minor behavior problems that are referred to the police, pushing kids into the criminal system.”

Nationwide, hundreds of thousands of students are arrested or given criminal citations at schools each year. A large share are sent to court for relatively minor offenses, with black and Hispanic students and those with disabilities disproportionately affected, according to recent reports from civil rights groups, including the Advancement Project, in Washington, and the NAACP Legal Defense and Educational Fund, in New York.

Such criminal charges may be most prevalent in Texas, where police officers based in schools write more than 100,000 misdemeanor tickets each year, said Deborah Fowler, the deputy director of Texas Appleseed, a legal advocacy center in Austin. The students seldom get legal aid, she noted, and they may face hundreds of dollars in fines, community service and, in some cases, a lasting record that could affect applications for jobs or the military.

In February, Texas Appleseed and the Brazos County chapter of the N.A.A.C.P. filed a complaint with the federal Education Department’s Office for Civil Rights. Black students in the school district in Bryan, they noted, receive criminal misdemeanor citations at four times the rate of white students.

Featured in the complaint is De’Angelo Rollins, who was 12 and had just started at a Bryan middle school in 2010 when he and another boy scuffled and were given citations. After repeated

court appearances, De'Angelo pleaded no contest, paid a fine of \$69 and was sentenced to 20 hours of community service and four months' probation.

"They said this will stay on his record unless we go back when he is 17 and get it expunged," said his mother, Marjorie Holmon.

Federal officials have not yet acted, but the district says it is revising guidelines for citations. "Allegations of inequitable treatment of students is something the district takes very seriously," said Sandra Farris, a spokeswoman for the Bryan schools.

While schools may bring in police officers to provide security, the officers often end up handling discipline and handing out charges of disorderly conduct or assault, said Michael Nash, the presiding judge of juvenile court in Los Angeles and the president of the National Council of Juvenile and Family Court Judges.

"You have to differentiate the security issue and the discipline issue," he said. "Once the kids get involved in the court system, it's a slippery slope downhill."

Mo Canady, the executive director of the National Association of School Resource Officers, defended placing police officers in schools, provided that they are properly trained. He said that the negative impacts had been exaggerated, and that when the right people were selected and schooled in adolescent psychology and mediation, both schools and communities benefited.

"The good officers recognize the difference between a scuffle and a true assault," Canady said.

But the line is not always clear. In New York, a lawsuit against the Police Department's School Safety Division describes several instances in which officers handcuffed and

arrested children for noncriminal behavior.

Many districts are clamoring for police officers. "There's definitely a massive trend toward increasing school resource officers, so much so that departments are having trouble buying guns and supplies," said Michael Dorn, director of Safe Havens International, in Macon, Ga., a safety consultant to schools.

One district in Florida, Dorn said, is looking to add 130 officers, mainly to patrol its grade schools. McKinney, Texas, north of Dallas, recently placed officers in its five middle schools.

Many judges say school police officers are too quick to make arrests or write tickets.

"We are criminalizing our children for nonviolent offenses," Wallace B. Jefferson, the chief justice of the Supreme Court of Texas, said in a speech to the Legislature in March.

School officers in Texas are authorized to issue Class C misdemeanor citations, which require students to appear before a justice of the peace or in municipal court, with public records.

The process can leave a bitter taste. Joshua, a ninth-grader who lives south of Houston, got into a brief fight on a school bus in November after another boy, a security video showed, hit him first. The principal called in the school's resident sheriff, who wrote them both up for disorderly conduct.

"I thought it was stupid," Joshua said of the ticket and his need to miss school for two court appearances. His guardian found a free lawyer from the Earl Carl Institute, a legal aid group at Texas Southern University, and the case was eventually dismissed.

Sarah R. Guidry, the executive director of the institute, said

that when students appeared in court with a lawyer, charges for minor offenses were often dismissed. But she said the courts tended to be “plea mills,” with students pleading guilty in the hope that, once they paid a fine and spent hours cleaning parks, the charges would be expunged. If students fail to show up and cases are unresolved, they may be named in arrest warrants when they turn 17.

In parts of Texas, the outcry from legal advocates is starting to make a difference. Jimmy L. Dotson, the chief of Houston’s 186-member school district force, is one of several police leaders working to redefine the role of campus officers.

Perhaps the sharpest change has come to E.L. Furr High School, which serves mainly low-income Hispanic children on the city’s east side. Bertie Simmons, 79, came out of retirement 11 years ago to try to turn around a school so blighted by gang violence that it dared not hold assemblies.

“The kids hated the school police,” said Simmons, the principal. They arrested two or three students a day and issued tickets to many more.

Simmons searched for officers who would work with the students and build trust. She found them in Danny Avalos and Craig Davis, former municipal police officers who grew up in rough neighborhoods, and after years of effort, the campus is peaceful and arrests and tickets are rare. Discipline is usually enforced by a principal’s court with student juries, not summonses to the criminal courts.

“Writing tickets is easy,” Avalos said. “We do it the hard way, talking with the kids and coaching them.”

With new guidelines and training, ticketing within the Houston schools was reduced by 60 percent in one year. Citations for “disruption of classes,” for example, fell to 124 between September and February, from 927 in the same period last year.

“Our role is not to be disciplinarians,” Dotson said in an interview. “Our purpose is to push these kids into college, not into the criminal justice system.”