

# **POLICE IN SCHOOLS**

**THE SCHOOL-TO-PRISON PIPELINE**

Nationally, SIX MILLION  
students attend schools  
that have police officers  
but no school  
psychologists

# POLICE OFFICERS IN SCHOOLS IN PENNSYLVANIA

- **School Resource Officer** – local [police officer](#) commissioned to work in a school
- **School Police Officer** – [police officer](#) who is employed by the school district; responsibilities determined by the district
- **School Security Guard** - [non-police guard](#) who may be employed either by the school or a third-party vendor who assists with school safety and security

# POLICE OFFICERS IN SCHOOLS IN PENNSYLVANIA

**SRO** - assist in identification of physical changes in the environment which may reduce crime; assist in developing school policy to address crime; educate students in crime prevention and safety; train students in conflict resolution, restorative justice and crime awareness; address crime, violence, gangs and drugs affecting or occurring around a school; and develop or expand community justice initiatives for students

**SPO** – enforce good order in school buildings and other school buses; they have the ability to issue citations for summary and detain children until local law enforcement arrives

**Security Guard** – school safety support services, enhanced campus supervision, assistance with disruptive students, monitoring visitors on campus, coordination with law enforcement to improve and maintain school security.

# ALLEGHENY COUNTY'S STPP: A LOOK AT THE DATA

- Pittsburgh Public Schools refer students to law enforcement at rates higher than in 95% of other similarly-sized cities across the U.S.
- A very large proportion of all referrals of Black youth to juvenile justice in Allegheny County – 32% of Black girls and 19% of Black boys – come from Pittsburgh Public Schools (PPS) police.
- About half of school-based arrests of Black youth (54% for Black girls and 42% for Black boys) in 2019 ultimately resulted in a charge of disorderly conduct (compared with just 10% and 20% of school-based arrests of White girls and boys, respectively).
- Children with disabilities (IEP's/504 plans) are disproportionately affected by these referrals to magistrates and juvenile court;

# ALLEGHENY COUNTY'S STPP: A LOOK AT THE DATA

- In 2018, black children (10-17) made up 20% of the county's population, but 68% of the county's juvenile court written allegations and 78% of those placed into detention; Latinx children made up 1% of the population but 3% of the population
- *“A lot of times, there are issues that keep you from going to school: heat, water, your clothes are dirty and you can't wash them.”* – system-involved child, Allegheny County
- *“Metal detectors are assuming that you're already a criminal. They're just waiting to catch you... And they have a probation officer's office for you, even though you can't even go see your counselor to get better classes for school. But you could go to your probation officer's office. It's already set up for you to fail.”* – system-involved child, Allegheny County

# PROBATION OFFICERS IN SCHOOLS

- Allegheny County has a school-based probation unit with PO's assigned to many schools in the county; those probation officers are stationed INSIDE of the schools and provide information to the Court about grades, attendance, and discipline at a minimum
- Pa. J. C. R. P. 163 MANDATES that probation share with schools information about any student who is adjudicated delinquent; not just school-based offenses. Must disclose offense, description of acts, and disposition
- Kids must check-in with their school-based PO's and these PO's regularly check with child's teachers and administrators to discuss educational issues

# HOW DO POLICE IN SCHOOLS AFFECT KIDS?

- **ONE instance** of school exclusion increases chances of child dropping out
- **ONE contact** with the juvenile justice system increases chances of additional contacts
- Creation of a criminalized environment
- Students are more likely to be arrested with the presence of police
- Can be especially traumatic for black and brown students (presence of black police does not reduce implicit bias issues)



# HOW DO POLICE IN SCHOOLS AFFECT KIDS?

- Little to no specialized training for children with disabilities that manifest in behavioral issues
- Children 18 & up are charged in criminal court
- School attendance, passing grades, and no disciplinary infractions are general conditions of any court supervision (both formal and informal)
- Educational Programs in out-of-home placements is usually very poor and children easily fall behind home school curricula & credits
- Kids score higher on risk assessment instruments when they have school problems



# **SCHOOL OFFENSES** **(THE CRIMINALIZATION OF** **ADOLESCENCE)**

**OR WHAT I LIKE TO CALL, “HAVE  
THESE PEOPLE EVER MET A  
TEENAGER?”**

# THE COURT REFERRAL PROCESS

- Incident occurs at school
- **Alleged victim decides whether he or she wants to press charges**
- School police/School security/Local Police decide whether to send to magistrate or juvenile court
- **For juvenile court, probation receives referral**
- Probation decides whether to bring the case into court or adjust the case informally
- **Probation sets intake meeting with child and parent/guardian**

# TO ARREST OR NOT TO ARREST?

- Police agency makes decision about whether to arrest child on the scene
- If they decide to arrest, juvenile probation makes the decision about whether to admit the child into Shuman Center pending further proceedings
- If detained at Shuman Center, must have hearing within 72 hours before a Hearing Officer
- If Hearing Officer continues to detain the child, then child must see judge downtown within 10 days

# OUT-OF-COURT DIVERSION

## Informal Adjustment/Extended Service Contract

- Child is not required to admit guilt
- Parent/guardian must be available for conference with PO (barrier for dependent children)
- Child must be willing to complete certain conditions related to charges (e.g., a child alleged to have possessed drugs would agree to outpatient drug treatment; a child alleged to have committed a theft would agree to restitution)
- Upon completion of conditions, case is closed
- Record expungement after six months with no further incidents
- Child never reports to court or a judge
- Only internal guidelines about which kids get this program

# IN-COURT DIVERSION PROGRAMS

## Continue to Observe/Observation Period

- Child is not required to admit guilt
- Minimal conditions set (e.g., no contact order, restitution, etc.)
- Case is postponed for 3-6 months
- If conditions are fulfilled, case is withdrawn by prosecutor
- Record expungement after six months with no further incidents
- Prosecutor decides who gets this opportunity

# IN-COURT DIVERSION PROGRAMS

## Consent Decree

- Child must almost always admit guilt on some of the charges
- Period of supervision that cannot exceed 1 year
- Formally supervised by probation officer
- Upon successful completion, guilty plea is erased and charges are withdrawn by prosecutor
- Record expungement six months after case is over if no further incidents
- If revoked, then guilty plea stands and go straight to disposition (sentencing)
- Prosecutor decides who is offered a consent decree

# NON-DIVERSION TRACK

## Case Outcomes

- Trial
- Admission (guilty plea)

## Disposition Options (sentencing)

- Formal Probation
- Out-of-Home Placement



# COMMON SCHOOL OFFENSES (THE CRIMINALIZATION OF ADOLESCENCE)

## DISORDERLY CONDUCT – 18 Pa. CS 5503

A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, he:

- (1) engages in fighting or threatening, or in violent or tumultuous behavior;
- (2) makes unreasonable noise;
- (3) uses obscene language or makes an obscene gesture; or
- (4) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor

Can be Summary or M3

# COMMON SCHOOL OFFENSES (THE CRIMINALIZATION OF ADOLESCENCE)

## SIMPLE ASSAULT 18 Pa CS 2701

A person is guilty of simple assault if he:

- (1) attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another;
- (2) negligently causes bodily injury to another with a deadly weapon;
- (3) attempts by physical menace to put another in imminent fear of serious bodily injury; ...

Generally, an M2 but if there is a mutual fight, then M3

# COMMON SCHOOL OFFENSES (THE CRIMINALIZATION OF ADOLESCENCE)

## AGGRAVATED ASSAULT 18 Pa CS 2702(a)(5) + (a)(6)

A person is guilty of aggravated assault if he:

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member or other employee, including a student employee, of any [school] while acting in the scope of his or her employment or because of his or her employment relationship to the school

(6) attempts by physical menace to put any of the...persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury (includes school employees)

Second-degree felony

# AGGRAVATED ASSAULT?

- A fight breaks out in the hallway between two or more students. Teacher intervenes attempting to break up the fight. When teacher intervenes, he or she is hit either by a student who mistakes him or her for a person involved in the fight or inadvertently hits the teacher before the fight can be stopped
- A teacher is breaking up fight between students. A sibling of one of the students involved in the fight sees the teacher inappropriately grabbing/detaining the student in the fight. The sibling tries to push or pry the teacher's grip from the student.
- A child with a disability is having a meltdown in a classroom. The classroom is cleared of other students. The subject student's in-school crisis team (teachers & administrators) enter the room to try and calm the student. The student picks up a chair and throws it in the opposite direction from where a teacher is standing and screams, "Leave me the fuck alone!"

# CHILDREN WITH DISABILITIES

**Child with disability has a school-based incident.** School determines that the incident is a manifestation of the child's disability so the child is not removed from school. The child's IEP is updated and revised.

30 days later, parents receive a notification for court in the mail based on the same incident for which the school just determined that the child's disability was central to her actions.

PA Law essentially provides no substantive defenses for behaviors that are the result of a child's behavioral or mental health issue.

# KIDS AT THE MAGISTRATE

- A child can be issued a citation for a summary offense to appear at a local magistrate
- Summary offenses are excluded from the Juvenile Act; not considered delinquency offenses
- Although juvenile matters on magistrate dockets are hidden from the public view, their matters are not handled in a substantively different way
- Magistrates have the power to fine or order community service for kids
- If a child fails to pay, then magistrates **MUST** send the matter to juvenile court for contempt (failure to pay) proceedings
- Once the matter is sent to juvenile court for contempt (failure to pay) it is handled in the normal juvenile process