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Testimony of Jamey Bell, Child Advocate,
before the Judiciary Committee
re HB 6682, AAC COLLABORATION BETWEEN BOARDS OF EDUCATION AND
LAW ENFORCEMENT PERSONNEL

April 5, 2013

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and distinguished members of the Judiciary Committee:

The mandate of the Office of the Child Advocate (OCA) includes evaluating the delivery of state funded services to children and advocating for policies and practices that promote their well being and protect their special rights.

All of the work we do—including responding to individual calls for assistance or information, and individual and systemic advocacy-- seeks to improve the public systems that serve children, to promote developmentally appropriate responses to children's behavior, and to ensure opportunity for all children to be nurtured, treated fairly and grow up educated, healthy and supported by caring adults.

I. The OCA supports Raised H.B. 6682 because it would play a meaningful role in reducing school-based arrests and improving overall school climate by clarifying the role of law enforcement personnel in schools.

The OCA works as a member of the Connecticut Juvenile Justice Alliance (JJA) to reduce the number of children and youth entering the juvenile and criminal justice systems, and to advocate for a safe, effective and fair system for those involved. Separately, most of the OCA's direct advocacy concerns the institutional settings—schools, hospitals, residential treatment facilities, detention and prisons—which serve the most vulnerable and challenged children, and where institutional responses to children's behavior can be very consequential.

For instance, we recently completed an investigation and report on the use of seclusion on very young children in one elementary school in Connecticut. The state agencies which investigated the incidents found individual violations of various specific laws concerning the children involved. We concurred, but also found that the state agencies missed opportunities to shine light on the critically important systemic issues that surfaced as a result of the treatment of students at the school, and failed to provide leadership in developing integrated, child-oriented

mental health and education systems that can effectively respond to children with mental/emotional health challenges. This investigation highlighted the imperative for the educational system to serve children in developmentally appropriate and child-protective ways that are likely to increase and support children's engagement in school, and to *not* promote disengagement.

We also experience that many of the children, adolescents and young adults with whom we work directly are in need of behavioral health services, and should be receiving them in the community, including in their schools, but instead are placed in residential treatment facilities, committed to psychiatric hospitals, or incarcerated within the juvenile justice or adult corrections systems.

While we work with the JJA to focus on the youth population in the juvenile justice system, we also then monitor the conditions of confinement, programming, and services provided through the DOC for adolescent girls at York Correctional Institution and adolescent boys at Manson Youth Institution. We work closely with the DOC to ensure that these youth are receiving age appropriate care and treatment in order to ensure safety and well being while incarcerated, as well as to enhance efforts to reintegrate back into the community. Youth specific advocacy is often needed given the complex mental health, social, and educational needs so prevalent in this population. The OCA has witnessed fewer disciplinary infractions, improvement in participation in school and developmentally appropriate health and mental health treatment. The OCA meets regularly with DOC executive leadership to discuss progress within the facilities as well as needed resources and interagency collaborations to minimize the potential for re-incarceration after release.

This sustained attention, effort and transparency of data and programming have resulted in significant progress concerning many entrenched problems facing vulnerable young people in these state systems.

Raised H.B. 6682 seeks to address one of the very significant *upstream* contributors to juvenile justice involvement and the resulting potentially lifelong consequences—the high incidence of arrests in schools. Arrests in schools occur much more frequently than most people realize – they are a full 19% of referrals to juvenile court statewide.¹

National data suggests that the **presence of police in schools coincides with increasing arrests of students, a majority of which are for minor infractions.**² Data for Connecticut, from a forthcoming report from Connecticut Voices for Children, suggests that a large number of students are being arrested for discretionary reasons and very few arrests result from weapons possession. Statewide, during the 2010-2011 school year, over 3,000 arrests occurred in Connecticut schools, of which **weapons-related incidents accounted for only 6%. Over one in**

¹ Judicial Branch, Court Support Services Division, School Year 2011-12.

² "Putting Armed Guards in Schools is Wrong Answer" *The Advancement Project* (January 15, 2013): <http://www.advancementproject.org/blog/entry/putting-armed-guards-in-school-is-wrong-answer>

ten arrests resulted from “school policy violations” – low level offenses such as profanity, skipping class or detention, disrespect, and disruptive behavior.³

Once arrested, it is found that these students are much more likely to reoffend. Arresting children at school harms both children and communities. Keeping children in school is crucial to improving their long-term opportunities. Students who feel connected to school are less likely to use illegal substances, become pregnant, attempt suicide or engage in violent behavior.

Raised H.B. 6682 can help address these problems, to the extent that stationing police in schools leads to unintended consequences. Many schools have police stationed in them without any formal guidelines governing daily interactions. Rather than promoting safety in schools, police presence can lead to the unnecessary criminalization of students. Schools and police need guidance and agreement on how to manage day to day operations.

Raised Bill H.B. 6682 promotes and facilitates collaboration and communication between schools and the police (school resource officers or SROs) stationed within them by requiring the creation of formal written memorandums of agreement (MOAs) and/or policies detailing the roles and responsibilities of police stationed in schools. Similar agreements have been used nationally and in Connecticut (e.g. Bridgeport, Hartford, Manchester, Stamford, Willimantic, Windsor and others) to reduce inappropriate arrests. In one year, Manchester reduced the number of school-based arrests 61% district-wide (and by 78% in the high school), in Windham by 34% district-wide.⁴ Hartford has experienced a 57% reduction and Bridgeport a 34% reduction in school based arrests between this school year and last as a result of recently signed MOAs. Because of the new partnership and relationships, police and administrators alike are more sensitive to using arrest as a last resort, and are more aware of other options available. Further, the agreements would require the use of graduated response models to ensure student and police interactions are handled in a consistent manner.

II. The OCA supports the second section of Raised H.B. 6682 which would provide communities and policymakers with accurate, timely information about the number of school-based arrests in each school, including the demographics of the students who were arrested.

A 2008 report from the American Civil Liberties Union (ACLU) regarding the practice of school-based arrests in three Connecticut districts showed the importance of tracking school-based arrest data in Connecticut.⁵ The report, *Hard Lessons: School-Based Resource Officer Programs and School-Based Arrests in the Three Connecticut Towns*, published the incidents of school-based arrests in West Hartford, East Hartford, and Hartford schools. They found a wide range in the number of arrests in these neighboring towns. The number of incidents per 1,000

³ See, Sarah Esty, “Student Arrests in Connecticut”, *Connecticut Voices for Children* (forthcoming, Winter 2013), on file at Connecticut Voices for Children.

⁴ *Adult Decisions: Connecticut Rethinks Student Arrest*. Connecticut Juvenile Justice Alliance, January 2013

⁵ American Civil Liberties Union and American Civil Liberties Union of Connecticut. *Hard Lessons: School-Based Resource Office Programs and School-Based Arrests in Three Connecticut Towns* (November 2008). Available online: http://www.aclu.org/pdfs/racialjustice/hardlessons_november2008.pdf

students in the 2006-2007 school ranged from 4 arrests to 17 arrests. Their analysis also revealed racial disparities in the likelihood of arrest.

In West Hartford and East Hartford, students of color committing certain common disciplinary infractions were more likely to be arrested than white students committing the very same offenses. The ACLU's report highlighted an emergent need to monitor school-based arrests in Connecticut. As you know, accurate data are critical to effective intervention and policy-making. Currently, the data collection around school-based arrests is challenging and incomplete. The Judicial Branch tries diligently to provide the information it can, but its numbers are incomplete, since the arrests that are diverted from court are not counted at that point. The State Department of Education collects some data, but not all school-based arrests need to be reported, so again the information is incomplete. Yet even the limited numbers available were disturbing enough to spur the Judicial Branch and many communities to action, as noted above.

More accurate data collection in Connecticut, like that outlined in this bill, would allow us to know more fully and accurately how race and ethnicity are reflected in the school-based arrests in our local schools. A recent report from the U.S. Department of Education Civil Rights Data Collection office showed that, nationally, over 70 percent of the students involved in school-related arrests or referred to law enforcement were Hispanic or black. In Connecticut, this pattern holds true: Connecticut Voices for Children's analysis of State Department of Education data that exists suggests that the same students experiencing the greatest achievement gaps in our education system are also most likely to experience arrest in Connecticut schools:

- **Black children were nearly 4 times more likely to be arrested in school than white children**
- **Hispanic children were over 3 times more likely to be arrested in school than white children**
- **Boys were twice as likely to be arrested in school as girls**
- **Special education students were nearly 3 times more likely to be arrested in school than regular education students**
- **Children in the poorest urban areas were arrested 9 times more often than students in the richest suburban areas**
- **Students who have struggled in traditional settings and attend alternative or special education schools meant to better help them succeed are 12 times more likely to be arrested in school than their peers in traditional schools.**
- **Disparities are widespread, affecting children in nearly all districts. In richer towns and poorer towns, urban, suburban, and rural areas, black and Hispanic children were more likely to be arrested than their white peers, and special education students were more likely to be arrested than their regular education peers.⁶**

School districts clearly need ways to respond to students' problematic or disruptive behaviors. Yet these efforts need not come at the price of pushing more children into the criminal justice

⁶ See, Sarah Esty, "Student Arrests in Connecticut", *Connecticut Voices for Children* (forthcoming, Winter 2013), on file at Connecticut Voices for Children; Connecticut Voices for Children, in *Adult Decisions: Connecticut Rethinks Student Arrest*. Connecticut Juvenile Justice Alliance, January 2013, page 5.

system and exacerbating educational inequality. Accurate, regular, timely information is crucial to be able to monitor these kinds of trends.

This bill would provide communities and policy makers with better data about school-based arrests of students in each school through the well-known format of the strategic school profiles. This data will help Connecticut communities **keep kids in school and out of the juvenile justice and adult correction systems.**

Thank you for the opportunity to provide testimony.

