



**TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE JUDICIARY COMMITTEE
FEBRUARY 24, 2014
IN SUPPORT OF RAISED S.B. NO. 54
AN ACT CONCERNING COLLABORATION BETWEEN
BOARDS OF EDUCATION AND LAW ENFORCEMENT PERSONNEL**

Senator Coleman, Representative Fox, and members of the Judiciary Committee, thank you for the opportunity to testify today. My name is Lara Herscovitch, I am deputy director of the Connecticut Juvenile Justice Alliance – a statewide, nonprofit organization focused on the de-criminalization of children and youth. The Alliance works to keep kids out of the justice system, and advocates for a safe, effective and fair system for those who are involved.

The inappropriate use of school-based arrests is a serious problem in our state. The Alliance fully supports S.B. 54 because it would help to **reduce these arrests and improve overall school climate, by (A) clarifying the roles and responsibilities of police in schools and (B) requiring data on how often kids are excluded from school.** This is more important than ever, after the tragedy in Newtown, with many districts increasing the presence of law enforcement personnel in schools. Without proper structure, training and monitoring, we have seen nationwide that police in schools can bring the unintended consequence of *increasing* student arrests for minor, non-violent offenses.

Arrests in Connecticut schools occur more frequently than most realize – they are 13% of the total number of referrals to juvenile court.¹ The usual assumption is that this occurs because student behavior is serious, violent, or related to weapons or drugs. In reality, **the majority of school-based arrests are for minor, non-violent, typical adolescent misbehavior** like fights where no one gets hurt, talking back, dress code violations, and the like – things that get escalated into charges like “assault,” “threatening,” “disorderly conduct,” and “breach of peace.” Certainly we do not condone fighting, yelling, running down a hallway, or disrupting a classroom, but we know that it is possible to hold a young person accountable for his/her actions in more effective and less expensive ways. School-based arrest is also a statewide problem, not limited to our biggest cities. The top ten cities account for less than half of the total school-based arrests statewide.²

The first part of this bill would require districts to have written policy or formal agreements regarding the roles and responsibilities of police in schools. OPM's Juvenile Justice Advisory Committee developed a model Memorandum of Agreement for school districts that does just that. These MOAs also include specific, graduated response models for student misbehavior, and help prevent the expensive and counter-productive use of law enforcement for low-level student discipline matters that are much better handled by teachers, administrators, social workers, psychologists, and the like.

Twenty districts are using or designing these MOAs, and thus pave the way for adaptation across the state. The communities created teams including the superintendent, police chief, juvenile court judge and probation supervisor, youth service bureau and others, to tailor the graduated

¹ Judicial Branch, Court Support Services Division, School Year 2012-13. Note: the rate is also at 13% for SY 13-14 as of January 2014.

² In SY 2012-13, the top ten referring cities for school-based arrests, in order of most referrals to fewer, were New Britain, Bridgeport, Hartford, Waterbury, Meriden, East Hartford, Danbury, New Haven, Enfield, and Norwich. These ten cities accounted for 47% of the total number of school-based court referrals in the state for that SY. Judicial Branch, Court Support Services Division.

responses locally and determine how to better use diversion programs like juvenile review boards and community programs (e.g., substance abuse prevention, community service, mental health treatment, mediation, etc.). The results of the work are clear: **in its first 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.**³ Because of the new partnerships, police and administrators are more likely to use arrest as a last resort, since they are more aware of other options. The work was done with a small influx of dollars through OPM's Right Response Network, for diversion activities and training in things like de-escalation, adolescent development, classroom management, etc. (currently, no specific training is mandatory for a police officer serving in a school building as a SRO).

The second part of S.B. 54 would provide information critical for this reform: the number of school-based arrests, expulsions and suspensions, types of offenses, and the child's race, ethnicity, gender, age, and any disability status. 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 referral to law enforcement were Hispanic or black. The pattern is also true in Connecticut; **in SY2010-11, black children were nearly four times as likely to be arrested as white children; Hispanic children more than three times as likely.**⁴ **Currently, our school-based arrest data is incomplete at best.** The Judicial Branch Court Support Services Division has gone out of its way to provide the information it can, but its numbers do not include arrests that are diverted from court. The State Department of Education collects some data, but it is very difficult to obtain and is inconsistent (districts use different definitions), and may be incorrect (administrators don't always know whether a referral to police ends in arrest), making it an inaccurate total.

Lastly, it is important to note that **the U.S. Department of Education agrees with the intent and mechanisms of this bill:** "schools should provide clear definitions of the officers' roles and responsibilities on campus, written documentation of those roles, proper training, and continuous monitoring of the program's activities through regular data collection and evaluation... Schools and districts should document the expectations for officers' roles through clear, written policies or MOUs between school administrators and law enforcement personnel... written discipline policies should define offense categories and base disciplinary penalties on specific and objective criteria whenever possible... Schools should attempt interventions prior to the disciplinary process but create a continuum of developmentally appropriate and proportional consequences... [which] generally should *not* include the use of law enforcement approaches, such as arrest, citations, ticketing, or court referrals. Further, restraint and seclusion should *never* be used for punishment or discipline."⁵

Thank you for your time.

Alliance member organizations: AFCAMP, Center for Children's Advocacy, Center for Effective Practice, CHDI, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, FSW, NAMI Connecticut, Keep the Promise Coalition, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children

³ *Adult Decisions: Connecticut Rethinks student arrests*, January 2013, Connecticut Juvenile Justice Alliance. The teams also review the prevalence of suspension and expulsion, to ensure they are not substituting equal numbers in lieu of arrests.

⁴ Connecticut Voices for Children, in *Adult Decisions*, page 5.

⁵ U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, January 2014 (<http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>).