

July 1, 2021

School Safety Initiative

Juvenile Justice and Delinquency Prevention Commission

Background:

Who is the JJDP: The Marin County Juvenile Justice and Delinquency Prevention Commission is established through the provisions of Section 225 of the California State Welfare and Institutions Code. On February 22, 1977, the Marin County Board of Supervisors adopted County Ordinance Number 2258 designating the Juvenile Justice Commission of the County of Marin as the Delinquency Prevention Commission for the County of Marin. The general purpose of the Commission is to “inquire into the administration of the Juvenile Court Law in the County” and coordinate on a Countywide basis the work of those community agencies engaged in activities designed to prevent delinquency. The Commission holds monthly meetings, conducts inspections of any jail or lockup with the County used for confinement of any minor for more than 24 hours, and assures that needed services are identified, developed, and provided for the children and youth of the County, particularly service which relates to the diversion of youth out of the Juvenile Justice System. Our Commission members include community members, nonprofit advocates, law enforcement, restorative justice innovators, our Marin County District Attorney, youth members, and substance use and mental health providers.

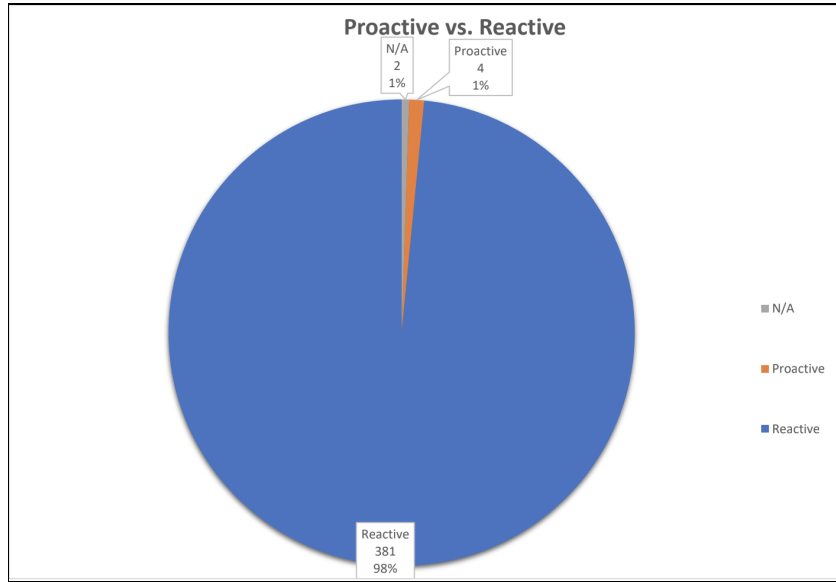
What is the project: The JJDP, as outlined in our bylaws to act in the best interest of our County’s students, set out on an investigation to discover the truths about School Resource Officers (SRO) conduct on school campuses. With equity and school safety as driving principles, it was important to understand student experiences that describe racial profiling and race based harassment. We also set out to understand the impact of uniform officers on school campuses, and the various reasons as to why those SRO - student interactions were occurring. The JJDP compiled the largest data set our county has ever gathered on the impact and behavior of SROs. We examined data from the past three years on every incident that took place on a Marin County school campus, within school hours, and resulted in a citation or arrest.

The conclusions we can draw from this data provide us with a pathway forward to redefine school safety and support for all involved in raising our county’s youth. Law enforcement is just one piece of a complex system that allows for inequities to persist and while removing SRO’s from campus has gained significant press as the solution to these issues, the data reveals a need for a more restorative and upstream approach that engages schools, law enforcement, students, and community partners.

Major findings of this data include:

Administrators, teachers, and students calling the police to our school campuses are the reason for the majority of SRO - student interactions

- 98% of the 387 interactions between SROs and students were reactive, meaning that the officer was dispatched or received a call to respond to the school from an administrator, teacher, or student.

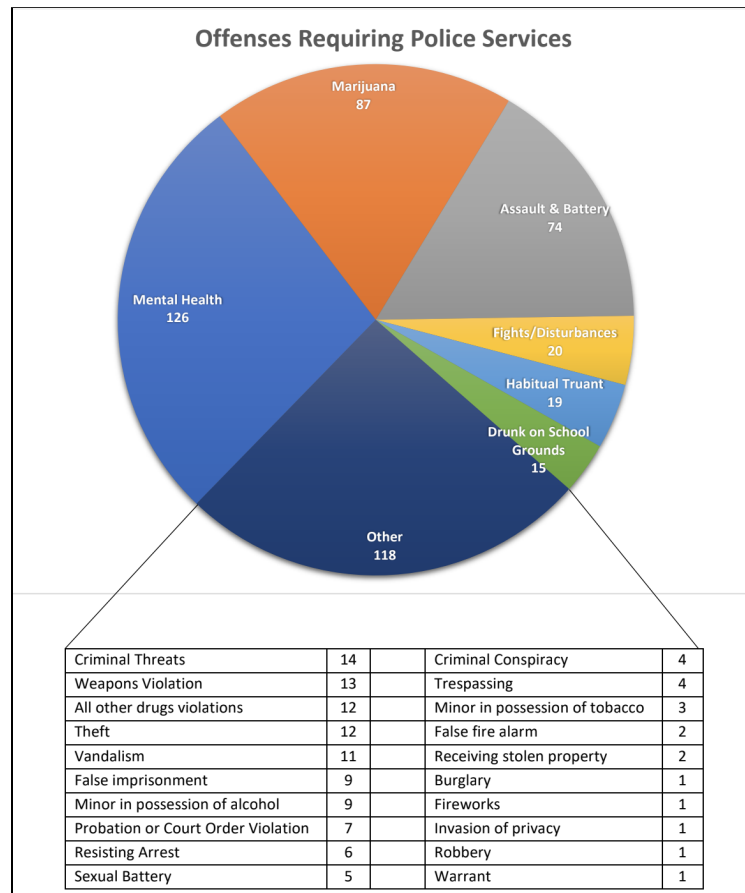


SROs are primarily responding to 1) mental health crises, 2) drugs/alcohol related issues, and 3) assault and battery cases (fights)

- Representing 126 out of the 387 reports, mental health response was the most predominant reason for SROs to be called on campuses
- Representing 108 out of the 387 reports, marijuana, alcohol, and other drug offenses were the second most predominant reasons for SROs to be called on campuses.
- Representing 74 out of the 387 reports, assault and battery cases were the third most predominant reason for SROs to be called on campus

As a result of current practices students of color are disproportionately arrested or cited for minor offenses/offenses that could be dealt with in a restorative manner

- At Davidson students of color make up ~75% of the student population yet ~95% of arrests/citations from 2017-2020 were students of color
- At Novato High School students of color make up ~50% of the student population yet 72% of the arrests/citations from 2017/2020 were students of color
- At Terra Linda students of color make up ~60% of the student population yet ~86% of the arrests/citations from 2017/2020 were students of color



There appears to be a culture of calling the police within Marin County schools for situations that would benefit from more internal restorative approaches

- Majority result in probation, ~ approximately 80 incidents
- Second most predominant was a nonprofit diversion program, Youth Service Bureau (YSB) ~ approximately 60 incidents*
 - *The YSB program ended in 2019*
- Third most predominant DA/court ~ approximately 34 incidents

Using the information from the law enforcement data we collected and through collaborations with Youth Transforming Justice, and the Marin County Office of Education, we collected additional data on student experiences and school protocols in response to mental health and substance use offenses. Using this data, evidence based research, and input from a variety of experts from diverse backgrounds including educators, restorative justice practitioners, mental health professionals, law enforcement, youth providers, and racial equity professionals, the JJDPC has generated a list of recommendations that act in the best interest of the students and are consistent with our goals outlined below.

Project Goals:

1. To redefine and promote school safety by redefining the role of law enforcement officers on school campuses.
2. To decriminalize student behavior in incidents related to mental health, substance use issues, and low level crimes and remove law enforcement from the discipline practices related to these issues.
3. To establish restorative and trauma informed practices that empower schools to manage discipline and support services internally whenever possible.

Recommendations for Schools:

1. Remove SRO's from campus and replace them with a Law Enforcement/School Liaison Officer (see Law Enforcement/School Liaison (LESL) Officer Roles, Responsibilities, and best practices Section below) - tasked with responding to only the most serious incidents that take place on a school campus.
2. Enact policies that create specific protocols for when and how police should interact with students in schools. Schools ought to have de-escalation techniques and protocols to follow before calling police. When police are called or seek access to a student, the school should (i) notify a parent or guardian to provide them an opportunity to be present and (ii) always read a student their rights.
3. Except in the case of serious incidents, remove Law Enforcement from discipline practices related to mental health, substance use, and low level crimes:
 - a. Refer to Appendix A to see examples of 'Matrix of Referrals' to view best practices of when to call Law Enforcement in response to criminal activity
 - b. Empower school security to search students under the reasonable suspicion standard for schools.

- i. Include a training for School Administration and Counselors articulating their right to search backpacks and other student property so they do not rely on calling law enforcement to do these searches.
 - c. School Security should be required to follow the reporting requirements under the Racial and Identity Profiling Act (RIPA) for interactions that result in disciplinary action.
 - i. This transition should be accompanied by a school messaging campaign that informs students and parents that if school security suspects that a student is in possession of contraband they will be searched, AND if the student is in possession they will not be arrested, they will be referred to the school's restorative program that includes a substance use/harm reduction approach.
 - d. Provide transparency in what the process is around handling issues of substance use, mental health, other behavioral disruptions, and more serious offenses. Have student buy-in each year in creating and complying with these processes.
 - e. Clearly define what issues arise to the level of police intervention and communicate this information to the students, parents, and all school staff.
 - f. Implement cessation and addiction focused treatment and response for students caught with nicotine, alcohol, cannabis, and other drugs.
 - g. Yearly oversight and assessment of interactions should be examined by the school and goals should be set collaboratively with school administration and the LESL for continued improvement.
4. Establish a site or district- based trauma-informed restorative justice process for disciplinary action:
 - a. Processes should be student centered, student led, equity focused, and should be representative of all student experiences.
 - b. Staff and administrators should receive training in trauma-informed and restorative practices.
 - c. Schools should engage local restorative justice organizations to create a site-plan that is relevant to their student population.
 - d. Evaluate wellness and prevention services through Wellness Centers or other avenues.
5. Invite students to participate in the creation and compliance of school rules around substance use, mental health, behavioral disruptions, and more serious offenses.
6. Ask School Boards to make suspension data available to the public on a quarterly basis.
7. Educate students around the School Administration and Security's right to search their belongings under probable suspicion while referring to 2. b. i. in this section.

Law Enforcement/School Liaison (LESL) Officer Roles, Responsibilities, and best practices:

1. LESL has a strong relationship with School Administrators and together they define terms of when the LESL should/should not be called to campus - Refer to Appendix 1 for a guide to defining what prompts a call to police.

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2. LESL should not be responsible for low level discipline that could be handled internally by the school - rather their role is to respond to serious crimes.
3. The relationship with the LESL is held by School Administration - students are not responsible or expected to have a close relationship with the LESL. This accounts for potential trauma responses that some students have in the presence of law enforcement. **Note - other opportunities for law enforcement in teaching, coaching, inspiring etc. are encouraged in order to build trust and relationships between students and law enforcement - but these opportunities should always be optional for students.*
4. There should be a safe and anonymous reporting system for students and school staff to report instances of police misconduct should they occur by the LESL or any other officer.
5. LESL is highly trained in trauma informed policing, issues of racial profiling in policing, and should respond to calls on campus in a non-violent way whenever possible to mitigate trauma response and build trust with students.
6. LESL interactions should be reported according to the Racial and Identity Profiling Act (RIPA).
7. LESL should be kind, approachable, and compassionate - seeing students as kids first, not criminals.