

COALITION FOR SMART RESPONSES TO STUDENT BEHAVIOR

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Amidst Call for Police Reform, What about Police in Schools?

August 26, 2020: This summer, tens of thousands protested police violence across Massachusetts, legislators debated police reform legislation, and educators grappled with whether it would be safe, or even possible, to bring students back to school. During this same time, a group of youth advocates, attorneys and watchdog groups examined the extent to which a key provision of the Criminal Justice Reform Act of 2018 (CJRA) is being implemented. To stop the school-to-prison pipeline, the CJRA required school districts and law enforcement agencies to:

1. Ensure they were not using police powers to address school discipline code violations, and
2. Report data on school-based arrests and referrals to police, to be made public on the website of the Department of Elementary and Secondary Education (DESE).

In November, 2019, the Massachusetts Office of the Child Advocate, analyzing the implementation of the law, [found that many localities had failed to revise their policies and practices to address the law's changes](#). In March, 2020, the Mental Health Legal Advisors Committee (MHLAC) reviewed the state's data collection and found that only 31 of the 289 school districts in Massachusetts (approximately 11%) reported any school-based arrests to DESE for the 2018-19 school year. While some districts may not have had any arrests that year, cities like Springfield, Worcester, and Lowell – districts whose high arrests rates prompted the inclusion of this provision into the CJRA legislation– ***did not provide any data on school-based arrests at all.***

Boston, the Commonwealth's largest school district, reported only 6 school-based arrests in the 2018-19 school year, but the [Boston Globe reported 114 during the same time period](#).

By definition, “school-based arrests” should be rare events as they only include arrests of students while on school grounds or at school events. Students are far more likely to receive a court summons from school police rather than be arrested onsite. DESE began collecting a broader data set of “referrals to law enforcement” to encompass these charges last year, but it is not yet public.

Given the severity of school-based arrest, our organizations submitted public records requests to the most populous school districts and the law enforcement agencies that serve them to obtain the missing information. We found pronounced discrepancies between data reported by schools and police departments and other public records, including:

- Springfield Public Schools (25,300 students), the subject of [continued controversy](#) regarding school-based policing, reported zero school-based arrests to DESE for the 2018-2019 school year, even though the Springfield Police Department provided records pursuant to a public records request by Citizens for Juvenile Justice of 41 school-based arrests that year;

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- Haverhill Public Schools (8,100 students) informed the Youth Advocacy Division of the Committee for Public Counsel Services (YAD) that they do not collect data on school-based arrests, while the Haverhill Police Department produced data indicating at least 4 students had been arrested at school in the 2018-2019 school year and 81 students had been charged with school-based offenses in the 2017-18 and 2018-19 school years;
- Brockton Public Schools (16,000 students) reported only 2 school-based arrest to DESE in the 2018-19 school year and confirmed that number in response to a request by the Justice Center of Southeast Massachusetts. A docket review by the YAD Quincy Office, which represents only about a quarter of Brockton youth in juvenile court, revealed three times as many school-based arrests that year, along with at least 40 students charged for school-based offenses in the last four school years;
- The Lowell Police Department informed Freitas & Freitas, LLP that they do not track data on school-based arrests or referrals, while Lowell Public Schools (14,500 students) informed the firm that 2 students had a school-based arrest/referral in the 2018-2019 school year. The panel of private attorneys who provide representation to 80% of the indigent children in juvenile court reported handling over six times that number of cases regarding school-based arrests or referrals from the Lowell Public Schools that same school year.
- Worcester Public Schools (28,600 students), the second largest district in the state, reported zero school-based arrests to DESE for 2018-19, but data extracted from the City of Worcester Law Department pursuant to a public records request by Citizens for Juvenile Justice showed at least 4 school-based arrests that year;
- New Bedford Police Department responded through an attorney for the New Bedford Public Schools, which serves 13,000 students, that the Police Department “does not collect arrest data,” and,
- Boston (54,300 students) has simply failed to respond to its public records request, despite receiving an extension from the state that expired almost a month ago.

“A school-based arrest should not be a commonplace event,” said **Marlies Spanjaard**, Director of Education Advocacy for the **Committee for Public Counsel Services**, “if schools fail to comply with this important reporting requirement, what would make me believe they are abiding by the other important aspects of the reform including specific training around conflict resolution and diversion strategies?”

“As the statehouse debates a police accountability law, the majority of police departments are not even sharing the data that, by law, they must both record and report: data on arrests of our children at school,” said **Matt Cregor**, Staff Attorney at the **Mental Health Legal Advisors Committee**. “The statehouse must address school policing if they enact a new policing law. Either way, the state must enforce current law.”

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"Often arguments supporting the placement of police in schools are fueled by emotions and driven by anecdotal stories," said **Leon Smith**, the Executive Director of **Citizens for Juvenile Justice**. "However, in Massachusetts, we are long overdue to take a data-driven approach to school policing in order to systematically assess its benefits and harms. There is no way to do that without accurate, comprehensive data."

"Presently, the CJRA of 2018 helps maintain Massachusetts' reputation for passing progressive laws. Yet, because key provisions are not fully implemented, this so-called "progressive" reputation is nothing more than an illusion," said **Lisa H. Thureau**, Executive Director of **Strategies for Youth**.

"The students facing the greatest barriers to academic success are also those most likely to be arrested in school," said **Debbie Freitas**, an attorney with **Freitas & Freitas**, LLP, a law firm in Lowell specializing in juvenile and child welfare matters in the juvenile court. "As schools reopen and prioritize the in-person return of special needs students, it is critical that the districts report how, when, and why these vulnerable students are policed."

"School budgets are particularly stressed right now because of the pandemic, yet we continue to pay for police in schools," said **Jodi Guinn**, Staff Attorney at the **Justice Center of Southeast Massachusetts**, "At the very least, we need to understand the impact of what we're paying for."

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