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# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel

**Board Meeting Date** May 28, 2014

**Subject** **Approval of New Board Policy 5145.14 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OSPD Responsibilities and Obligations**

**Action Requested** **Approval of New Board Policy 5145.14 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OSPD Responsibilities and Obligations**

**Background** The proposed policy seeks to track and reduce student contacts with and arrests by law enforcement in order to reduce reliance on police for disciplinary and/or minor offenses, while at the same time paralleling the District’s commitment to the Voluntary Resolution Plan. This includes reducing minority student contact with law enforcement, while at the same time ensuring the safety of schools.

**Discussion** This policy is the result of multiple collaborative meetings and communications with ACLU, the Black Organizing Project and Public Counsel to establish a voluntary internal policy aimed at tracking and reducing student contacts with law enforcement. This particular policy is specifically applicable to OSPD personnel, although it has provisions applicable to (and that reiterate the proposed companion policy directed at) OUSD administrators.

**Recommendation** Approval of new Board Policy 5145.14 – Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OSPD Responsibilities and Obligations

**Fiscal Impact** N/A.

**Attachments** Proposed Board Policy 5145.14

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5145.14

### Students

Tracking and Reducing Student Contacts With and Arrests By Law Enforcement: OSPD Responsibilities and Obligations.

#### 1. GOALS AND ACTION PLAN

Oakland Unified School District's ("OUSD") goals are (1) to reduce disproportionate minority contact with police and the juvenile justice system and (2) to reduce the rate of school-based arrests and citations while maintaining a safe school climate.

To the extent such disparities exist, the Oakland Schools Police Department ("OSPD") shall set goals for reducing the disparities and develop an action plan to reach such goals, that should include but not be limited to officer training on topics such as implicit bias, child development and cultural competency. OSPD shall also identify any services or resources that are needed from OUSD to support students with multiple law enforcement contacts and to reduce such contacts.

#### 2. DATA TRACKING AND PUBLIC REVIEW

For purposes of this section:

- "School-related offenses" is defined as a criminal offense occurring or originating on an OUSD school site during hours the school site is regularly open to the public or its students for school-related business.
- "School site" is defined as the property upon which the school is located. It also includes any location where a school-sponsored event is being held for the duration of such event.
- "Student" refers only to students who are enrolled in an OUSD public school (but not charter or private schools).

OSPD will provide the OUSD Board of Education ("BOE"), on a bi-annual basis, the information in (A) through (D) regarding the:

- (A) Number of arrests of students made:
  - (1) By OSPD on OUSD school sites for school related offenses.
  - (2) By OSPD on OUSD school sites for non-school related offenses.
  - (3) By OSPD off OUSD school sites for school related offenses.
- (B) Number of times OSPD issued a citation to a student.
- (C) Number of times OSPD was called to OUSD school sites and the type of call (*e.g.*, trespassing, disruption, battery, possession of a weapon).

- (D) Complaints: A summary of any complaints filed against OSPD officers pursuant to the OUSD Complaints Policy (Approved June 27, 2012), in the form and manner required by that policy.

Such data in (A) - (B) shall be disaggregated by offense, age, race, ethnicity, gender, and whether or not a student with an Individualized Education Plan or Section 504 Plan was arrested or cited.

The data in section (C), above, shall be reported for the first time in the summer of 2015.

The significance of disproportionate minority contact with OSPD police officers, according to the foregoing anticipated data, shall inform and impact the development of the action plan contemplated in Section 1, above. OSPD shall provide the BOE an update on any such action plan on a bi-annual basis.

### **3. STUDENT DISCIPLINE: REDUCING LAW ENFORCEMENT CONTACT**

OUSD administrators have primary responsibility to ensure consistent enforcement of school rules and policies. No OSPD officer or school security officer shall act as a school disciplinarian. Disciplining students is the responsibility of non-OSPD/non-school security officer staff.

For the commission of low-level school-based offenses, such as possession of alcohol or marijuana or physical altercations, OSPD officers should exhaust all other alternatives, such as issuing a warning, admonishing and counseling, and referring for community service, restorative justice, or mediation. OUSD shall develop a matrix for and track the use of alternatives.

### **4. ARRESTS OR SUMMONS ON SCHOOL CAMPUSES**

In an effort to minimize disruption to the learning environment, OSPD officers should consider the reasonableness of making an arrest on campus or summoning a student from a classroom. When considering whether it is reasonable to arrest or summon a student on campus, the officer should consider the following:

- Whether the arrest or summoning is in response to the commission of a school-related offense;
- The seriousness of the offense;
- Whether there is an imminent threat to public safety;
- Federal or state requirements;
- Whether the officer is able to accomplish the arrest by other means.

If the arrest is not reasonable given the considerations listed above, the arrest or summons of the student should be made at another time/place.

Absent exigent circumstances, OSPD officers should coordinate with designated school officials (*e.g.*, the principal or assistant principal) if, after taking into account the reasonableness of such an arrest as outlined above, they determine it is necessary to make an arrest on campus.

A private location out of sight and hearing of other students should be arranged for the arrest of a student, where practicable, that will help avoid invasion of the student's privacy, jeopardizing the safety and welfare of other students, and further disruption of the school campus.

## **5. OFFICER ENTRY ON SCHOOL CAMPUSES**

Absent exigent circumstances, OSPD officers should notify school officials (*e.g.*, principal or assistant principal) of their presence and/or purpose when they enter a school campus.

## **6. ARREST AND QUESTIONING OF STUDENT SUSPECT**

OSPD shall abide by Welfare and Institutions Code Section 627, which requires, among other things, that when an officer takes a minor before a probation officer at juvenile hall or to any other place of confinement pursuant to Division 2, Part 1, Chapter 2, Article 1 of the Welfare and Institutions Code, the officer shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where the minor is being held. This provision does not apply to when a child is taken into custody as a suspected victim of child abuse or pursuant to Section 305 of the Welfare & Institutions Code.

Immediately prior to questioning a student who is in custody, OSPD officers shall advise the student of the Miranda admonishment. The OSPD officer shall make every effort to ensure that the student fully understands the Miranda admonishment, including by checking for understanding and explaining any terms that may or may not make sense to the student.

Any OSPD questioning of a student who is in custody shall be conducted in the language appropriate to the age and to ensure that the student understands the OSPD officer, if the student decides to answer questions or provide information.

## **7. TRAINING AND DISTRIBUTION OF POLICY**

Within 3 months of this policy's adoption, OUSD shall ensure that it is distributed to all school staff and OSPD shall ensure that it is distributed to all OSPD school police officers and that training is provided at least once per year.