

FROM PLAYGROUNDS TO PRISONS

AN UPDATED LOOK AT SCHOOL-BASED ARRESTS IN ARKANSAS



DECEMBER 2014



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Arkansas Advocates for Children and Families
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Each year, law enforcement action is taken in more than 3,000 incidents in Arkansas schools.¹ Just last month, 12 students were arrested at a single Pine Bluff high school, allegedly after a fight. All students were between 14 and 15 years old and each was charged with disorderly conduct. There were no reports of weapons or serious injury.² The data show that the majority of children in the state of Arkansas affected by school policing are arrested for nonviolent offenses. This finding is consistent with the nationwide trends. Across the country, millions of students are being removed from their classrooms each year for minor misconduct.³

In July 2013, Arkansas Advocates published a report entitled “*From Playgrounds to Prisons: Police Involvement in School Discipline*,” the first study in Arkansas to document and examine arrests being made at schools across the state. That report explored the role that police officers play in school discipline and the impact that harsh discipline policies may have on the number of school-based arrests. While such policies are designed to protect Arkansas children, the report revealed there are often unintended consequences of such policies for children and our communities. This report serves as an update to the July 2013 brief that used data from 2011-2012 and examines the 2012-2013 data to determine how things have changed – or stayed the same – in the past two years.

The inappropriate use of school-based arrests as a disciplinary tool has contributed to the school-to-prison pipeline in our state and across the country. School safety should always be a top priority. When students pose a threat to school safety, removal from campus or arrest may be necessary. But the evidence suggests violent incidents are rare and schools are generally one of the safest places that youth can be during the day.⁴

THE SCHOOL-TO-PRISON PIPELINE

The school-to-prison pipeline describes how more and more children are being “funneled out of public schools and into the juvenile and criminal justice systems.”⁵ This trend has long-term negative consequences. Students who are pushed out of school and into the juvenile justice system face increased risk of chronic absenteeism, failing classes, dropping out, abusing drugs and alcohol, and being arrested again. For vulnerable and high-need children, getting arrested adds yet another risk factor to their life and further erodes their future opportunities.

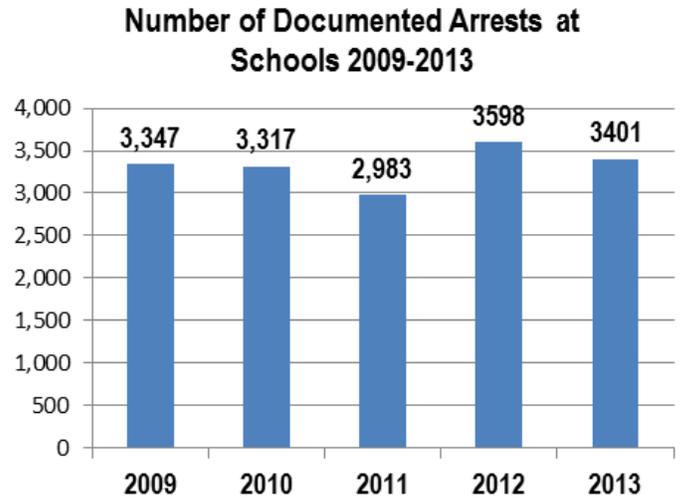
In addition to the personal costs for youth and families associated with school-based arrests, there are also high costs associated with suspension and expulsion of students. Schools incur high costs when students must repeat grades and society incurs costs when students fail to graduate high school. In the past two decades, in the face of highly publicized cases of school violence, schools have turned to zero-tolerance policies as a way to increase school safety. Compared to a generation ago, children are much more likely to be arrested at school today.

The influx of police in schools is considered by some experts to be a leading contributor to the school-to-prison pipeline. It’s estimated that between 1997 and 2007, the number of school resource officers (SROs) in American public schools increased by 38 percent.⁶ While only 1 percent of principals nationwide reported having police officers stationed in their schools in 1975, by 2008 that number had risen to 40 percent.⁷ However, some experts claim there is no evidence that placing officers in schools improves school safety.⁸

It’s important to recognize that increased rates of arrest are not necessarily a result of students behaving worse than in years past. Instead, increased rates of arrests may be a direct result of the zero-tolerance approach to school discipline. Incidents that used to be handled in the principal’s office now fall to law enforcement instead. One study indicates that schools with police on site had nearly five times the number of arrests for disorderly conduct as schools without a police presence.⁹ While the goals of zero tolerance policies and other harsh approaches to school discipline are to increase school safety, the American Psychological Association says there is little evidence to suggest they actually do. In fact, “excessive and inappropriate reliance on school-based enforcement officers” has actually been shown to promote distrust in schools and law enforcement among students and increase feelings of anxiety, rather than safety.¹⁰

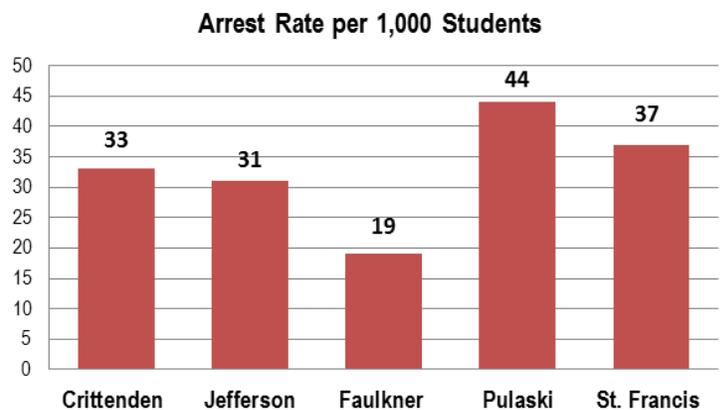
SCHOOL ARRESTS IN ARKANSAS COUNTIES

Over the five years that school arrests have now been documented in Arkansas, the number varies by as many as 400 arrests from year to year, with an average of about 3,300 arrests per year.¹¹



Source: All data in this report are from the Arkansas Crime Information Center

There are some counties that have routinely contributed a significant proportion of arrests to the state totals.¹² These include Pulaski, Jefferson, Faulkner, Crittenden, and Benton counties. In addition to having the largest K-12 enrollment population, Pulaski County continues to have the highest total number and rate of school arrests recorded by a police officer. From 2012-2013, approximately 44 out of every 1,000 students had an encounter that resulted in an arrest by an officer in Pulaski County.¹³ The average number of arrests per year has increased by approximately 13 percent in the last two years alone.



Although not identified as a potential area of concern in the last brief, St. Francis county jumped out in the data set this time as the having the second highest arrest rate per 1,000 students, next to Pulaski County. St. Francis is a small county. So while it may not add too much to the state's total, a troublingly high proportion of students are being arrested each year. Faulkner and Benton counties have seen a great deal of improvement, reducing their average arrest rate by about 30 percent each. Crittenden County continues to be a serious problem area, with average arrests per year increasing 49 percent since 2011- despite no significant increases in school enrollment in the county.

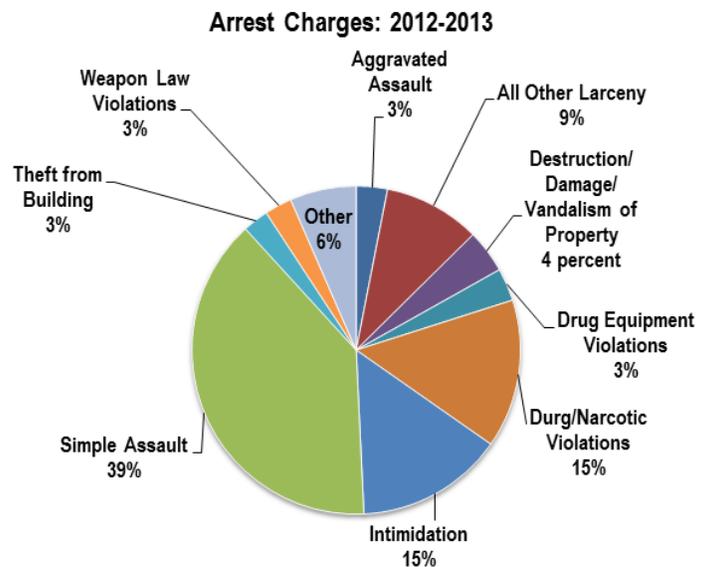
With the exception of Faulkner County, a majority of students in each of these counties qualify for free and reduced-price lunches. To get to the root cause of these trends, more in-depth research is necessary.

County	Average Recorded Arrests per year 2009-2011	Average Recorded Arrests per year 2012-2013	Percent Change
Pulaski	1,078	1,220	13 percent
Jefferson	193	185	-5 percent
Faulkner	253	176	-31 percent
Crittenden	116	173	49 percent
Benton	283	190	-33 percent
St. Francis	72	74	2 percent

THE CHARGES FILED AGAINST STUDENTS ARRESTED IN SCHOOLS

As illustrated in the chart at the top of the next column, “simple assault” and “intimidation” continue to make up the majority of charges filed against students arrested in schools during 2012-2013. A simple assault charge typically refers to a physical altercation not involving a weapon or serious bodily injury. Intimidation refers to a ‘threat’ to harm someone – which often manifests itself as bullying in schools.

Drug and narcotic violations constitute 15 percent of arrests. Drug offenses are more serious matters legally and are certainly a cause for concern. However, it’s important to note that the possession or use of illegal drugs is not a violent crime and are most effectively addressed in other ways. Providing therapy to address the substance abuse and



underlying problems in the child’s life is more effective. As seen in the figure above, a very small number of arrests were actually made for violent crimes. Every effort should be made to avoid arrests for minor misconduct. Otherwise, we risk criminalizing what might easily be seen as normal adolescent behavior. Criminal punishment can have long-term negative consequences that could follow a child into adulthood.¹⁴

RACIAL DISPARITIES

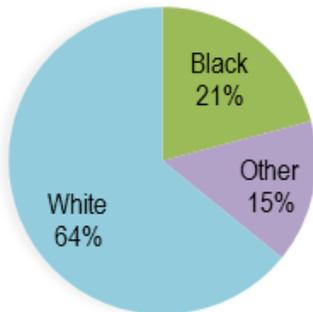
The racial disparities that exist throughout the juvenile justice system also apply in the case of arrests at schools. These disparities would seem to validate concerns that minority students “are especially vulnerable to push-out trends and the discriminatory application of discipline.”¹⁵ According to the U.S. Department of Education Civil Rights data collection project estimations, over 70 percent of students involved in school-related arrests or referrals to law enforcement across the country are African-American.

Researchers using a nationwide representative sample found that across all districts, African-American students were 3.5 times more likely to be suspended or expelled than their white peers.¹⁶ Students of color are also far more likely to face suspension, expulsion, or arrest, “even when engaging in exactly the same conduct.”¹⁷ A 2013 report by AACE, “*Keeping Kids in Class: Fixing Racial Disparities in School Discipline*,” similarly found major racial disparities in the disciplinary actions taken by Arkansas schools.

Consistent with the findings of our 2013 “*Playgrounds to Prisons*” report, the majority of youth arrested at schools in Arkansas continue to be African American. In fact, the

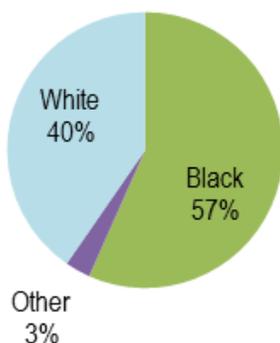
racial disparity has actually increased since 2010-2011 when African American students made up 21 percent of the K-12 student population in Arkansas, but 53 percent of recorded school arrests. That number has risen to 57 percent.¹⁸

Total K-12 Population by Race SY2012-2013



In order to look at racial disparities in school arrests across the state, data were gathered to compare counties of a similar size to find out if a county with a school population with a higher percentage of black and minority students also had higher rates of arrests on school grounds.¹⁹ For instance, St. Francis and Yell counties are two rural Arkansas communities with K-12 school enrollment of about 5,000 students. In Yell County, African American students make up only 1.3 percent of the total K-12 enrollment. In St. Francis County 72.5 percent of students are African American. The rate of total students arrested was nearly four times higher in St. Francis County than in Yell County.²⁰

School Arrests by Race 2012-2013



Of the five counties that were identified as those with the highest number of school arrests per school population, four of them are majority African-American. These data are consistent with numbers across the country.

FIXING SCHOOL DISCIPLINE

With the increased presence of police officers and popularity of zero tolerance policies in our public schools, the distinction between school safety and school discipline has been blurred. By criminalizing our students, we are setting our youth up for the school-to-prison pipeline. Arrest and detainment are often a gateway for longer-term incarceration.²¹

Schools should focus on preventative measures that reduce misconduct and restorative justice measures that keep students in the classroom as much as possible. When officers must be placed in schools, they should be properly selected, trained, supervised, and evaluated. School districts and law enforcement agencies should create detailed memorandums of understanding to provide clarity about the role and objectives of officers working with students. These agreements should also make clear that arrests should be a last-resort disciplinary measure, used only when absolutely necessary to protect school safety – not a first response.

State law and the Arkansas Department of Education (ADE) give school districts the responsibility of developing and implementing their own discipline policies around offenses such as assault or threat of assault; possession of firearms or weapons; using or selling alcohol or drugs; and damaging, destroying, or stealing school property. All of these types of offenses are to be included in the school discipline policies. As such, school officials should not rely on police to handle matters that should be the responsibility of school administrators.²²

There are a number of tools that schools can employ when students misbehave that do not put them in the juvenile justice system. Instead of focusing on punishment, preventative programs like the Positive Behavioral Intervention and Support System (PBIS) focus on a positive reinforcement and a restorative justice approach. Programs like this provide an opportunity for youth to learn from their misbehavior, while also holding them accountable for their actions. In some school districts, such programs have been found to reduce police involvement by as much as 68 percent and out-of-school suspensions by as much as 40 percent.²³

RECOMMENDATIONS

Educators should continue to explore ways to address student misconduct without the involvement of police in an effort to reduce incidences of school-based arrests in Arkansas. Here are some recommendations for future action:

- Appoint a task force to review existing district discipline policies, especially when it comes to simple assault and intimidation. Policies should clearly articulate in what instances law enforcement should get involved in incidents that occur on school grounds.
- School-based officers working with students should be properly selected, trained, supervised, and evaluated. Off-campus officers should be given guidance on how to respond to students and how to access alternatives to arrest.
- School systems and law enforcement agencies should create detailed, written memorandums of understanding that outline sources of funding, qualifications, the goals and objectives of the school resource officer (SRO) and priorities, and other responsibilities and guidelines for the position. The University of Arkansas Criminal Justice Institute Safe Schools Initiative provides training and resources for such officers in Arkansas.²⁴ The U.S. Department of Justice also has a training program manual available for free online.²⁵
- Schools should expand use of preventative measures to reduce school misconduct and keep students in the classroom using models of restorative justice as an alternative to zero tolerance policies and law enforcement interventions. Note: More information on restorative justice can be found at fixschooldiscipline.org and in a guide designed for schools provided by the Illinois Criminal Justice Information Authority (bit.ly/restorativejusticeguide).
- Law enforcement agencies across the state should be required to report arrests made on school grounds so that greater research on this topic may be done.

NOTES

¹ Arkansas Crime Information Center.

² The Pine Bluff Commercial. "12 Jack Robey Students arrested after reported fight." <http://pbcommercial.com/news/police-and-fire/12-jack-robey-students-arrested-after-reported-fight>

³ Morgan, E., Salomon, N., Plotkin, M., and Cohen, R. (2014). *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*. New York: The Council of State Governments Justice Center.

⁴ The School Discipline Consensus Report. See above.

⁵ American Civil Liberties Union. 2008. "Locating the School-to-Prison Pipeline." <http://www.aclu.org/racial-justice/school-prison-pipeline-fact-sheet-pdf>.

⁶ "Police in Schools are Not the answer to the Newtown Shooting". 2013. A joint issue brief of: Advancement Project, Dignity in Schools Campaign Alliance for Educational Justice, and NAACP Legal Defense and Educational Fund, Inc. http://b.3cdn.net/advancement/df16da132af1903e5b_zlm6bkclv.pdf

⁷ Gottfredson, Denise and Na, Chongmin. 2011. "Police Officers in Schools: Effects on School Crimes and the Processing of Offending Behaviors." *Justice Quarterly*.

⁸ Gottfredson, Denise and Na, Chongmin. 2011. See above.

⁹ "Police in Schools are Not the answer to the Newtown Shooting". 2013. See above.

¹⁰ American Psychological Association. 2008. "Are Zero Tolerance Policies Effective in Schools?: An Evidentiary Review and Recommendations."

¹¹ Limitations of the data: Data for this report is provided by the Arkansas Crime Information Center (ACIC) and relies on accurate reporting by local law enforcement of any arrests made on a school ground or college campus. This data collection includes the age of the person arrested, but does not distinguish whether the arrest was made on a college campus or at a school. The number of arrests on school grounds was determined by the age of the person arrested. For the purpose of this report, those arrested under age 18 are categorized as arrests on school grounds. We also excluded incidents of arrests made by university specific police forces. Of the data provided by ACIC roughly half are were missing the age of the arrested person and were therefore excluded from this analysis. So the total arrests are most likely higher than reported. It is also noted that some county and local police departments were included in one school year's data but excluded from another year's data, indicating possible discrepancies in how data are being reported. Counties not reporting for 2012 or 2013 include Cleveland, Lafayette, Lee, Perry, Searcy, and Woodruff counties.

¹² This may also be due to more reliable reporting of such incidents by these counties.

¹³ Offense records provided by ACIC data, enrollment population data provided by the ADE Data center: <https://adedata.arkansas.gov/statewide/Counties/EnrollmentByGradeSpan.aspx>

¹⁴ The School Discipline Consensus Report (see above).

¹⁵ American Civil Liberties Union. 2008. "Locating the School-to-Prison Pipeline." <http://www.aclu.org/racial-justice/school-prison-pipeline-fact-sheet-pdf>.

¹⁶ <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

¹⁷ "Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns." (2008). A report of the American Civil Liberties Union and the ACLU of Connecticut.

Retrieved from: https://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf

¹⁸ <https://adedata.arkansas.gov/statewide/State/EnrollmentByRace.aspx>

¹⁹ <https://adedata.arkansas.gov/statewide/Counties/EnrollmentByRace.aspx?year=23&search=&pagesize=100>

²⁰ Hard Lessons. See above.

²¹ Kelly, Paul. 2014. "Why Detention is not always the Answer: A Closer Look at Youth Lock-up in Arkansas." Little Rock, AR: Arkansas Advocates for Children and Families

²² Arkansas Department of Education. 2012. Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies.

²³ More information on restorative justice can be found at fixschool-discipline.org and in this guide designed for schools provided by the Illinois Criminal Justice Information Authority. http://www.icjia.state.il.us/public/pdf/BARJ/SCHOOL_percent20BARJ_percent20GUIDE-BOOK.pdf

²⁴ Criminal Justice Institute. <http://www.cji.edu/programs/safe-schools-initiative/>

²⁵ http://www.cops.usdoj.gov/files/ric/CDROMs/SchoolSafety/Law_Enforcement/AGuidetoDevelopingMaintainingSucceeding.pdf

TOTAL ARRESTS ON SCHOOL GROUNDS, BY COUNTY

County	2012-2013	County	2012-2013
Arkansas	49	Lee	0
Ashley	41	Lincoln	4
Baxter	57	Little River	12
Benton	379	Logan	22
Boone	44	Lonoke	155
Bradley	15	Madison	9
Calhoun	3	Marion	9
Carroll	30	Miller	112
Chicot	1	Mississippi	127
Clark	24	Monroe	1
Clay	3	Montgomery	3
Cleburne	27	Nevada	1
Cleveland	0	Newton	2
Columbia	10	Ouachita	6
Conway	41	Perry	0
Craighead	196	Phillips	44
Crawford	154	Pike	7
Crittident	346	Poinsett	27
Cross	7	Polk	34
Dallas	3	Pope	72
Desha	24	Prairie	1
Drew	18	Pulaski	2439
Faulkner	351	Randolph	21
Franklin	5	Saline	141
Fulton	1	Scott	14
Garland	273	Searcy	0
Grant	6	Sebastian	244
Greene	11	Sevier	3
Hempstead	30	Sharp	3
Hot Spring	46	St. Francis	148
Howard	6	Stone	9
Independence	13	Union	34
Izard	2	Van Buren	8
Jackson	33	Washington	524
Jefferson	369	White	56
Johnson	3	Woodruff	0
Lafayette	0	Yell	43
Lawrence	2		

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