

For More Teens, Arrests by Police Replace School Discipline

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A generation ago, schoolchildren caught fighting in the corridors, sassing a teacher or skipping class might have ended up in detention. Today, there's a good chance they will end up in police custody.

Stephen Perry, now 18 years old, was trying to avoid a water balloon fight in 2013 when he was swept up by police at his Wake County, N.C., high school; he revealed he had a small pocketknife and was charged with weapons possession. Rashe France was a 12-year-old seventh-grader when he was arrested in Southaven, Miss., charged with disturbing the peace on school property after a minor hallway altercation.

In Texas, a student got a misdemeanor ticket for wearing too much perfume. In Wisconsin, a teen was charged with theft after sharing the chicken nuggets from a classmate's meal—the classmate was on lunch assistance and sharing it meant the teen had violated the law, authorities said. In Florida, a student conducted a science experiment before the authorization of her teacher; when it went awry she received a felony weapons charge.

Over the past 20 years, prompted by changing police tactics and a zero-tolerance attitude toward small crimes, authorities

have made more than a quarter of a billion arrests, the Federal Bureau of Investigation estimates. Nearly one out of every three American adults are on file in the FBI's master criminal database.

This arrest wave, in many ways, starts at school. Concern by parents and school officials over drug use and a spate of shootings prompted a rapid buildup of police officers on campus and led to school administrators referring minor infractions to local authorities. That has turned traditional school discipline, memorialized in Hollywood coming-of-age movies such as "The Breakfast Club," into something that looks more like the adult criminal-justice system.

At school, talking back or disrupting class can be called disorderly conduct, and a fight can lead to assault and battery charges, said Judith Browne Dianis, executive director of the Advancement Project, a national civil-rights group examining discipline procedures around the country. Some of these encounters with police lead to criminal records—different laws for juveniles apply across states and municipalities, and some jurisdictions treat children as young as 16 as adults. In some states, for example, a fistfight can mean a suspension while in North Carolina a simple affray, as it is called, can mean adult court for a 16-year-old.

Some jurisdictions are so overwhelmed that they are experimenting with routing schoolchildren into specially designed courts that would keep first-time offenders from being saddled with an arrest record. Others have passed new laws or policies to dial back police involvement in school discipline.

The Justice Department and the Education Department issued

guidelines this year on school discipline that warn school based police officers to “not become involved in routine school disciplinary matters,” and the Justice Department has filed lawsuits challenging disciplinary procedures around the country.

“We’re not talking about criminal behavior,” said Texas State Sen. John Whitmire, the Democratic chair of the senate’s Criminal Justice Committee, who helped pass a new law last year that limits how police officers can ticket students. “I’m talking about school disciplinary issues, throwing an eraser, chewing gum, too much perfume, unbelievable violations” that were resulting in misdemeanor charges.

Police, judges and civil-rights organizations all say schools are increasingly the way young people enter the justice system. Data provided by a handful of local courts and the federal government tell a similar story. There are vast gaps in national arrest statistics, and [comprehensive statistics on arrests in schools aren’t available](#).

According to the U.S. Education Department’s Office of Civil Rights, 260,000 students were reported, or “referred” in the official language, to law enforcement by schools in 2012, the most-recent available data. The survey also said 92,000 students were subject to school-related arrests. There are no earlier comparable numbers—the Education Department requested the data because it couldn’t find good national research on the topic.

Police departments first started assigning officers to schools in the 1950s as a way to improve student-police relations. More came in the 1980s to help with drug-education programs, followed by a big push in the 1990s as part of the tough-on-

crime laws.

The number of school police officers rose 55% to about 19,000 in the 10 years to 2007, the last year for which numbers were available, according to a 2013 study from the Congressional Research Service.

In recent decades, a new philosophy in law enforcement had been applied to schools. It was “deal with the small stuff so they won’t go to the big stuff, and also it sent a strong message of deterrence,” said James Alan Fox, the Lipman Professor of criminology at Boston’s Northeastern University.

The zero-tolerance approach started as part of the 1994 Gun-Free Schools Act, Mr. Fox said, but it expanded to other weapons, then to drug contraband and “finally into ordinary violations of school rules, disrespect, skipping. It eventually became an across the board response to discipline.”

School shootings, including in Bethel, Alaska, West Paducah, Ky., and Columbine, Colo., created a greater sense of urgency. The schools crackdown has had its intended effect. Victims’ surveys compiled by the Education Department show that there is a lower rate of violent crime committed in schools, falling to 52 incidents per 100,000 students in 2012 from 181 incidents per 100,000 in 1992. Supporters say that alone proves the worth of aggressive policing.

“We had zero tolerance in the state of Texas because our gang problem was more prominent. You cuss out a teacher, you get a ticket, period,” said George Dranowsky, president of the Texas School District Police Chiefs’ Association. The goal was to show no misbehavior would be tolerated so actions wouldn’t escalate, he said. The No. 1 priority was “safety, taking care of

our kids," he said. Texas' new limits on police officers in schools might lead students to think they can get away with more, he said.

School districts, faced with high levels of violence in the 1990s, did the right thing to bring in officers, said Ian Moffett, chief of the Miami-Dade Schools Police Department. But "you had very limited choices for what the officers could do when they encountered a juvenile who had violated the law," he said.

Brushes with the criminal justice system go hand in hand with other negative factors. A study last year of Chicago public schools by a University of Texas and a Harvard researcher found the high-school graduation rate for children with arrest records was 26%, compared with 64% for those without. The study estimated about one-quarter of the juveniles arrested in Chicago annually were arrested in school.

Research by the University of South Carolina based on a multiyear U.S. Bureau of Labor Statistics survey, performed at the request of The Wall Street Journal, found those arrested as juveniles and not convicted were likely to earn less money by the time they were 25 than their counterparts. The study didn't break out school arrests.

Another consequence: Arrest records, even when charges are dropped, often trail youngsters into adulthood. [Records, especially for teenagers tried as adults, have become more accessible on the Internet, but are often incomplete or inaccurate.](#) Employers, banks, college admissions officers and landlords, among others, routinely check records online.

Retired California juvenile court judge Leonard Edwards said the widespread assumption arrest records for juveniles are

sealed is incorrect. The former judge, now a consultant with the Center for Families, Children and the Courts, an arm of the state court system, said his research indicates only 10% of juveniles nationally know they must request records be closed or removed.

But [that process is complicated](#) and varies from state to state. Even terms like expungement and annulment carry different meanings depending on the state. The process usually requires a lawyer to maneuver the rules and to file requests through courts.

“Our good-hearted belief that kids are going to get a fair shake even if they screwed up is an illusion,” Judge Edwards said.

A science experiment that went awry turned into a 17-month battle for Kiera Wilmot and her mother as they tried to clear the honor student’s arrest record. According to the police report, she was on school grounds outside the classroom trying out an experiment that hadn’t been authorized by her teacher.

Ms. Wilmot, now 18, said she put a piece of aluminum inside a bottle with two ounces of toilet cleaner to see what would happen. The teen’s mother said she was trying to simulate a volcanic eruption.

“It popped,” blowing the top off the bottle, she said. She was handcuffed by the school-resource office, escorted out of the Bartow, Fla., school and taken to a juvenile facility where she was charged with possessing or discharging firearms or weapons at school and making, throwing, possessing, projecting, placing or discharging a destructive device.

Amid a flurry of news coverage, the charges were dropped, but

the arrest record remained. Ms. Wilmot's mother, Marie, said the Florida Department of Law Enforcement declined to expunge the record. A second attempt, this time as an adult, was approved last week by a judge, who ordered her records sealed, Marie Wilmot said.

The court action "can't erase the trauma, pain or emotions, but this is a step towards truly moving on," said Ms. Wilmot of her daughter, who is now a freshman at Florida Polytechnic University.

The Justice Department's Office of Community Oriented Policing Services hands out grants to local police departments to hire police officers who are assigned to schools. Its head, Ronald Davis, defended the role played by school-resource officers, but he also said officers should be focused on making schools safe. They shouldn't "turn youthful exuberance or even willful defiance into crimes," Mr. Davis said. "We got to give kids the space to be the same kids we were."

Since 2013, schools who want to participate in the COPS program have to sign memorandums of understanding saying the officers won't be used for disciplinary matters that should be handled by the school.

The juvenile court in Clayton County, Ga., has tried to address the problem. It received 46 misdemeanor school referrals in 1996, the year before police were placed on campuses, court records show. By 2003, referrals had grown to 1,147 for misdemeanors including school fights, disorderly conduct and disrupting school.

Chief juvenile court judge Steven Teske said 80% of the referrals were for African-Americans, in a system where 71%

of the students were black. The Justice Department has charged that the impact of school arrests falls disproportionately on African-American students. It has a consent decree with one Mississippi school district over their school discipline policies, including arrests.

Clayton, a suburban county south of Atlanta, began changing its rules in 2003. Now, a first offense leads to a warning and a second to an education program. Only a third problem results in a misdemeanor charge and a court date. School misdemeanor referrals dropped 87% to 154 in 2013 from 2003, according to the court.

Other districts are trying similar programs. In Florida, school districts including Miami-Dade and Palm Beach have used a new state law to shift from arrests to issuing civil citations for nonviolent, first-time misdemeanors with penalties including community service. Students who finish avoid arrest records.

Arrests at schools were down 48% in 2012 from 2005, according to the Florida Department of Juvenile Justice. In Colorado, the Denver police and public schools agreed last year on how school-based police officers would be used, limiting their involvement in routine discipline. A state law passed in 2012 requires police departments to begin collecting statistics on involvement in school discipline.

In Texas this year, after the new law that recommends most complaints first be handled by school administrators went into effect, misdemeanor tickets issued for school-related violations fell 37% to about 90,000, according to state court data.

In Wake County, N.C., Mr. Perry was trying to avoid a water-balloon fight at school when he was taken into custody,

according to a complaint filed with the Justice and Education Departments by Legal Aid of North Carolina charging that minority students are disproportionately disciplined. The Education Department is investigating discipline in the school system, a spokesman said.

The teen, his mother and the complaint all agree that authorities didn't identify any criminal activity until Mr. Perry volunteered he had a small pocketknife he had used to carve a tree. "I didn't even know I had a knife. I just threw on my pants that day," he said.

The knife led to a weapons charge and a suspension. The charge was dropped, according to his mother, Lynn Perry. The suspension and time spent at court hearings left him short of the classes he needed to graduate, Ms. Perry said. Now she worries whether he can get into college. "It's been a complete nightmare, and we can't afford to get this stuff expunged," she said.

The Wake County Sheriff's Department and the Raleigh Police Department declined to comment; the Wake County Schools didn't respond to requests for comment.

In Durham, the neighboring county, chief district court Judge Marcia Morey heads a pilot project that began this year to address these kinds of problems. Police officers are urged to refer first-time offenders to Judge Morey's court, where they attend classes and mock sentencing to show the penalties they could have faced—including fines, fees and restitution costs of more than \$1,000, along with probation.

Teens who complete the program remain invisible to the world of criminal records. "I wanted you...to realize how important it

is never to get any criminal arrests or citations," Judge Morey told one group of teenagers.

Judge Morey said she and fellow judges in regular adult court see about 500 teenagers a year charged with misdemeanor charges covering littering, fights at school and arguments with school instructors. Only 48 teens have been referred so far to her new court.

School had just started in Southaven, Miss., in 2012 when Rashe France and another student shoved each other in the hallway, the now-freshman said. Rashe, who is now 14, his family, and the Advancement Project civil rights group said no fists were thrown. School officials called the police.

James Mathis, the boy's grandfather, said Rashe was taken to the police station and charged with endangering the safety of other students. The case was thrown out before it got to Youth Court for lack of evidence, the family said. The DeSoto County Youth Court didn't respond to requests for comment.

Southaven police Chief Tom Long said he couldn't discuss the specific incident. Speaking generally, he said state laws require school administrators report any act of physical violence to police, who are then obliged to respond.

Katherine Nelson, communications director for DeSoto County schools, also declined to talk about particular cases. She said police would be called only if school officials thought a crime had been committed, a requirement of state law.

Mr. Mathis worries what the arrest will do for his grandson's future. Despite assurances from the school and police that the record is sealed, he doesn't believe the record won't one day

surface.

Rashe has four colleges picked out. "I'm throwing that out of my mind," he said. "I'm working on school—well, school and basketball."