THE OFFICE OF CITIZEN COMPLAINTS

BEST PRACTICES REVIEW AND RECOMMENDATIONS

Police Response to a Non-Weapon Fight
Including
Crowd Control Techniques in a High School Setting

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Best Practices Review and Recommendations

Police Response to a Non-Weapon Fight Including Crowd Control Techniques in a High School Setting

EXECUTIVE SUMMARY

Purpose

The Office of Citizen Complaints received and investigated a complaint of police misconduct after numerous officers[1] from the San Francisco Police Department (SFPD) responded to a call for assistance concerning a non-weapon fight at Thurgood Marshall High School on October 11, 2002. The OCC investigation concluded that SFPD's use of crowd control tactics was within department guidelines. However, the incident raised questions about the propriety of using in a high school setting with a juvenile population current crowd control policies and tactics that had been traditionally deployed in an adult population in a public street setting.

The OCC has conducted a best practices review to determine how other jurisdictions respond to non-weapon fights on high school campuses and whether they have tailored crowd control policies to a high school population and setting.

Summary

Based upon the investigation of the Thurgood Marshall incident, comparisons to best practices of other jurisdictions, literature and studies in the field of juvenile justice and psychology, and interviews, we recommend the following protocols to enhance safety, communication, and collaboration among the students, teachers, parents, and administration of Thurgood Marshall Academic High School and SFPD:

1. That SFPD and the administration of Thurgood Marshall High School in conjunction with SFUSD develop and coordinate a comprehensive response plan to school incidents that is consistent with the 1999 Safe School Initiative and emphasizes pro-active intervention by school administrators, teachers and counselors before enlisting the assistance of SFPD.

This comprehensive response plan should

- define the roles and responsibilities of the SFUSD, the Principal, his or her designees, teachers, school safety chief[2], school security guards, the school resource officers, and counselors in responding to incidents.

[1] Police records indicate that 96 SFPD officers and 30 officers from another police agency responded.
[2] School safety chief is the title given to the director of the security guards.

- establish how communication will occur among SFUSD, the Principal, his or her designees, teachers, school safety chief, school security guards, the school resource officers, and counselors during an incident.

- incorporate a contingency plan if multiple incidents were to occur simultaneously.

- include a protocol for school administration, the SRO, and school safety chief to assess potential safety issues to determine what level of additional support (from the administration, police, parents and/or community) may be needed if any.

- integrate selected teachers, parents, students, and community volunteers into the response strategy so that they may serve an integral role in de-escalating and neutralizing incidents.

- create "police-school liaison teams" who respond to incidents that require additional support beyond the school administration, the school safety chief, the SRO and security guards. These teams should be comprised of officers specially skilled with and trained in working with juvenile populations and may include SROs from other school sites.

- emphasize and train in the use of verbal and other de-escalation skills to handle incidents.

- provide training to the Principal, his or her designees, school safety chief, school security guards, the school resource officers, counselors and selected teachers, students, parents and community volunteers to ensure that all participants are knowledgeable as to the comprehensive response plan and their role and that they have the requisite skills to de-escalate and neutralize incidents in a manner that preserves the safety of the school community.

- include a multidisciplinary team to facilitate debriefing on campus after any incident involving significant police intervention

2. That SFPD develop written guidelines and training for a crowd control policy that is specifically tailored to a juvenile population in a school setting.

Ultimately, we recommend a five-tiered approach to non-weapon fights that involves increasing levels of adult intervention as safety risks increase:

- First, this approach begins with the presumption that school administrators and staff are the initial responders to a school fight.
- Second, SROs will provide back-up assistance if the incident cannot be handled effectively by school administrators and staff.
- Third, if the incident cannot be handled effectively by the SROs, the school administrators in conjunction with the SROs have a protocol for deciding the

extent and type of additional assistance to summon including mediators, counselors, other SROs, parents and community leaders.

- Fourth, if the SROs and school administrators decide that the safety risks require additional law enforcement (rather than mediators, counselors, other SROs, parents and/or community leaders), "police-school liaison teams" comprised of officers specially skilled with and trained in working with juvenile populations will be summoned.
- Fifth, if an incident requires a police presence beyond the "police-school liaison teams" those officers will be trained in crowd control tactics that have been tailored for a juvenile population and setting.

Central to this approach is an understanding that youth are emotionally, psychologically and socially different from adults and thus require adult assistance and intervention that is appropriately tailored to the needs of this unique population. Just as the juvenile justice system (as well as the vast array of other institutions) has designed protections, laws and punishments specifically for children and youth, any law enforcement action should similarly be carefully crafted to consider the unique vulnerabilities of adolescence while balancing the safety of the school community.

BEST PRACTICES REPORT

Police Response to a Non-Weapon Fight
Including
Crowd Control Techniques in a High School Setting

INTRODUCTION

A. Summary of the Incident[3]

On October 11, 2002 at approximately 8:38 a.m. a fight broke out in front of Thurgood Marshall High School. The Emergency Communications Department's Computer-Assisted-Dispatch (CAD) records indicate that the fight involved five to ten males. Three of the participants were brought to the administration office and their parents were contacted to pick up them up. Sometime thereafter, an adult relative entered the school to pick up one of the students and became involved in a fight with another student in the hallway outside of the administrative office. CAD records indicate that at approximately 10:49 a.m. a Student Resource Officer (SRO)[4] called for back-up for her partner who had tried to intervene in the fight and was then surrounded by angry students. Thirty to 70 students were reportedly in the area.

Within five minutes of the call for back-up, supervising officers and a command officer responded. They entered into a school hallway filled with students passing between classes, intermixed with students fighting. Sometime after locating the SROs, at approximately 10:56 a.m. a superior officer requested more units to deal with "more fights breaking out" and a "huge fight in the corridor." Officers reported that they began closing down hallways and directing students back to their classrooms. When a fire alarm went off, officers reported that they began moving students outside and attempted to prevent their return to the building. Near the school, a command post was established. A superior officer was assigned to act as liaison with the school administration.

At 11:24 CAD records reveal that the students were dismissed from school. SFPD set up two skirmish lines to control the growing number of students who were exiting or milling around the outside of the school building. Limited video footage showed the officers on lines with batons at port arms. Other officers in riot gear from an outside law enforcement agency joined the skirmish lines and reported to a superior SFPD officer at the scene. The street was cleared of students who were told that school was dismissed. The officer in charge called for emergency bus transportation for the students. The CAD

[3] This summary of the incident is based on the OCC investigation and findings of fact in which 10 civilian witnesses and 47 officers were interviewed.
[4] Two SROs were stationed at Thurgood Marshall High School from SFPD.

record indicates that crowd control activities occurred until 13:07 when the final Code 4 was announced.[5] Police detained, cited or booked a total of 16 students.

Complainants[6] maintained that the officers' conduct inflamed the situation, describing unprovoked detentions, arrests, handcuffing, hitting, kicking, shoving, striking with batons, brandishing of weapons and cursing on the part of the police. They claimed that verbal remarks by the students were met with excessive force. In a confusing and frightening situation, students said that officers created greater chaos by giving conflicting orders. Complainants also stated that officers acted in an insulting and inappropriate manner by "high-fiving" one another, showing gang signs to students and parents at the district station, and laughing at the students.

The complainants' allegations describe numerous behaviors by individual officers that violate SFPD's General Orders, and which would, if true, escalate the situation. The investigation was unable to produce evidence that could verify or deny the allegations. This was due, in part, to the nature of a chaotic and emotionally charged scene. Videotape and film footage provided incomplete documentation of the event. Positive identification of officers was difficult in many cases. Where officers' names and badge numbers were provided, they were not linked to particular acts of misconduct. Some witness statements were uncorroborated. Other witnesses saw only part of the interaction between an officer and a student. The OCC interviewed 10 students, teachers and other civilian witnesses, and attempted to contact many more. However, many of the victims of the alleged misconduct and other parties at the scene who could have provided additional eyewitness evidence did not come forward for interviews.

In response to allegations, numerous officers and supervising officers detailed their conduct during the incident and articulated their decision to detain, arrest, use force, and employ crowd control techniques. The officers denied the allegation, claiming instead that it was the students and at least two teachers who aggravated a tense situation. The officers reported that students shoved, hit, kicked, threw objects at them, stripped or attempted to strip them of their weapons, brandished a baton in a lethal position, refused their commands, and cursed them. According to police accounts, students were placing calls from cell phones, requesting outsiders to come to the school and confront the police; some officers reported that callers were asking for guns to be brought. The officers also said that two teachers incited the students to riot and used profanity toward the police. The officers said that student fights erupted in the hallways during the change of classes, and outside in front of the school. To add to the chaos, one or two fire alarms were set off.

Officers described the scene as so noisy and chaotic that, at times, they were unable to hear radio communications. Officers complained that the critical decision for the school

[5] Code 4 indicates that no further assistance is necessary.
[6] Several students and their guardians filed complaints with the Office of Citizen Complaints within two days of the incident. They are referred to collectively as complainants.

to remain open or closed was not made in a timely manner and reflected communications problems between school administrators and the school district.

The officer-in-command asserted that, to his knowledge, there were no casualties, no school property damage and no reported damage to students' property, which signified that the police had acted with restraint. The behaviors, as described by the officers, were within current Department policy, practice and training. At least one of the officers felt that the current policy and practice of the Department was successfully employed on the date of the incident.

B. Response to the Incident

Community and school meetings were held to discuss the incident. Numerous students, parents, teachers, community leaders and politicians decried the police response.[7] SFPD participated in community forums and school planning events. Additionally, SFPD requested the District Attorney to dismiss the charges against the students "to improve police/community relations" and "to promote healing."[8]

The school district formed the Thurgood Marshall Academic High School Community Task Force to investigate the incident. In light of its investigation, the Task Force issued recommendations regarding school and district administration, teachers, security officers, future safety planning and coordination with the San Francisco Police Department. Ultimately it recommended that a protocol be devised to govern police conduct on a school campus.

Based on input from parent and community-based organizations and the aforementioned Community Task Force's report, the school district and SFPD identified a number of priorities and recommendations to jointly work on, some that the school district and SFPD are currently implementing.[9]

The OCC also investigated the incident and concluded that while the officers on the whole demonstrated knowledge and skill in the employment of crowd control measures, the incident raised questions about the propriety of using current crowd control policies and tactics in a high school setting, particularly in response to a call of a non-weapon fight. The OCC has conducted a review of best practices and promotes a number of policy recommendations to address the concerns raised by the incident.

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[7] See e.g. "Melee Closes S.F. High School", Article, SFGate.com (website of the San Francisco Chronicle), October 12, 2002.

[8] See "D.A. Drops Charges in Teen Brawl; Other Solution Sought To Fight at S.F. School", Article, SFGate.com (website of the San Francisco Chronicle), February 27, 2003.

[9] See Appendix A, Safe School Priorities and Recommendations

METHODOLOGY

We contacted a variety of law enforcement associations, youth advocacy organizations, academics, educational associations, civilian oversight agencies, criminal justice organizations, and police departments. We also interviewed the SFPD supervisor of the SRO program, SFUSD board president, a SFUSD superintendent, a former Thurgood Marshall teacher, a former Thurgood Marshall Parent Teacher Association president, and a staff member from Coleman Advocates. Additionally, we reviewed materials from various sources. (For a list of contacted organizations, agencies and academics, see Appendix B.)

DETAIL OF RECOMMENDATIONS

The majority of jurisdictions that we reviewed emphasized two resounding themes concerning student fights. First, that student fights, particularly non-weapon fights, were administrative matters requiring intervention by school administrators, teachers and/or counselors rather than law enforcement. These jurisdictions emphasized the important role of teachers and administrators as the first responders to a fight because they are best equipped (when trained properly) to intervene and de-escalate a situation due to their long term relationship and rapport with students. Second, the majority of jurisdictions did not need to resort to crowd control tactics on high school campuses because of a variety of pro-active school safety measures that prevented fights from occurring or escalating out of control.

Both SFPD and school administrators stated that at the time of the Thurgood Marshall incident there was no comprehensive response plan and that communication among the SFUSD, school administration and SFPD was particularly problematic during the incident—especially concerning whether or not to close the school. Since the incident, numerous students, parents, teachers and community organizations have demanded that the role and responsibilities of SFPD be clarified, in light of the 1999 Safe School Resolution and the traumatic impact many students experienced from police actions taken during the Thurgood Marshall incident.

The Safe School Resolution, passed by the San Francisco Board of Education on June 22, 1999, meant to clarify when schools would involve police in discipline matters. Specifically, it provides that "[p]olice involvement should not be requested in any situation that can be safely and appropriately handled by the school or District's internal disciplinary procedures."[10] According to school board member Steve Phillips who authored the resolution, its purpose was to "avoid unnecessary criminalization" of

[10] See Appendix C, Resolution No.92-23A6, "Collaborating With the Community to Ensure Safe Schools" commonly known as the Safe School Resolution passed by the San Francisco School Board on 6/22/99.

students[11]--a phenomenon well documented by juvenile experts that has since resulted from the impact of Zero Tolerance approach to discipline and school safety.[12]

At least two of the jurisdictions we reviewed (San Jose and Palm Beach) had comprehensive response plans to incidents on high school campuses that coordinated the school administration and police department's roles and responsibilities.

- **Require SFPD and the administration of Thurgood Marshall High School in conjunction with SFUSD to develop and coordinate a comprehensive response plan to school incidents that is consistent with the 1999 Safe School Resolution and emphasizes pro-active intervention by school administrators, teachers and counselors before enlisting the assistance of SFPD.**

- **The comprehensive response plan should define the roles and responsibilities of SFUSD, the Principal, his or her designees, teachers, school safety chief, school security guards and the school resource officers in responding to incidents.**

- **The comprehensive response plan should establish how communication will occur among the SFUSD, the Principal, his or her designees, teachers, school safety chief, school security guards and the school resource officers during an incident.**

- **The comprehensive response plan should incorporate a contingency plan if multiple incidents were to occur simultaneously.**

Many of the jurisdictions we reviewed include a multi-tiered approach to campus incidents that involve increasing levels of adult intervention as safety risks to the school community rise. For many jurisdictions, this approach begins with the presumption that school administrators and staff are the initial responders to a school fight. If school administrators and staff cannot handle an incident effectively, then SROs provide back-up assistance.

Juvenile, educational and psychological experts agree that youth are more likely to respond affirmatively to adults they know and with whom they have a positive relationship. Two of the jurisdictions we reviewed relied heavily upon this presumption: Palm Beach School Police Department trains selected school administrators, teachers and other school staff in verbal and non-pain compliant techniques so that they may be called as first responders to student incidents. The San Jose Police Department relies not

[11] "S.F. School Board Backpedals on Police Gun Ban", Article, SFGate.com (website of the San Francisco Chronicle), June 23, 1999.

[12] See e.g. "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies" by the Advancement Project and Harvard University's Civil Rights Project http://www.civilrightsproject.harvard.edu/research/discipline/opport_suspended.php

only on school liaison officers but includes community coordinators with special skills in mediation, gang intervention, and counseling to collaborate in its approach to school safety.

In determining what level of additional support may be needed if the school administration and SRO are unable to effectively handle a situation, parental involvement, community resources (e.g. mediation, counseling and gang intervention) and identified student leaders should be strongly considered to assist. Numerous programs have found that when the schools' major stakeholders—the students—are involved in identifying and solving school safety issues, violence has dropped significantly.[13] For example, a student-based problem-solving model was implemented in a North Carolina high school that significantly reduced the number of incidents requiring student suspensions and lowered reported fear among students and teachers. This model builds upon recent studies that have identified the role of peers and the process of bonding to one's school as critical determinants of educational behavior and performance. This model is also based on the philosophy behind the Neighborhood Watch movement—"citizens working through informal norms of social control have the best chance to engage their fellow community members in the discussion and settlement of differences prior to an incident."[14] Peer Mediation, Safe School Ambassadors and SPIRIT (Student Problem Identification and Resolution of Issues Together) are other student-based programs which have proven to reduce violence on high school campuses and increase students' investment in their environment.

- **The comprehensive response plan should include a protocol for the school administration in conjunction with the SRO and school safety chief to assess potential safety issues to determine what level of additional support (from the administration, police, parents and/or community) may be needed if any.**

- **The comprehensive response plan should integrate selected teachers, parents, students, and community volunteers into the response strategy so that they may also serve an integral role in de-escalating and neutralizing incidents.**

At the same time of integrating selected teachers, parents, students and community volunteers into a response strategy, we recommend a tiered approach to school incidents that involves increasing levels of law enforcement intervention as safety risks increase. Central to this approach is an understanding that youth are emotionally, psychologically and socially different from adults and thus require adult assistance and intervention that is

[13]See e.g. Dennis Jay Kenney and Steuart Watson, "Crime in the Schools: Reducing Conflict With Student Problem Solving," National Institute of Justice, July 1999. Peer Mediation, Safe School Ambassadors and SPIRIT (Student Problem Identification and Resolution of Issues Together) are other student-based programs which have effectively identified and resolved safety issues within schools.
[14] Kenney & Watson, p.5.

appropriately tailored to the needs of this unique population.[15] Just as the juvenile justice system (as well as the vast array of other institutions) has designed protections, laws and punishments specifically for children and youth[16], any law enforcement action should similarly be carefully crafted to consider the unique vulnerabilities of adolescence while balancing the safety of the school community.

Many of the jurisdictions that we contacted indicated that police back-up (outside of the SROs on campus) typically involves one to three additional cars. A recent fight at a San Diego high school where 1,800 students were in the midst of class change drew 15 officers to campus; back-up at a Denver high school dance in 1996 involved 40 officers and allegations of racial slurs and police brutality that resulted in the Denver Police Department adopting a Crowd Management Policy.[17] Most jurisdictions were reticent to state that a particular number of police officers would be considered too great a response to a school incident; many jurisdictions emphasized their belief that excellent police-school administration rapport and/or other safety measures prevented their departments from having to rely upon a large police presence or crowd control techniques in response to student fights.

While none of the jurisdictions contacted tailored their crowd control techniques for a high school setting and student population, several jurisdictions stressed that they used pro-active crime prevention tactics to avoid having to resort to crowd control techniques on high school campuses. Law enforcement agencies and academics alike could not state why crowd control tactics are not tailored for a high school setting and population and often acknowledged that other types of law enforcement actions are tailored for a juvenile population.

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[15] See e.g. David E. Arredondo, M.D. "Child Development, Children's Mental Health and the Juvenile Justice System: Principles for Effective Decision-Making," 14 Stan. L. & Policy Rev. 13 (2003); Kim Taylor-Thompson, "Children, Crime, and Consequences: Juvenile Justice in America: States of Mind/States of Development," 14 Stan. L. & Policy Rev. 143 (2003).

[16] For decades, the United States Supreme Court has recognized that juveniles—even sophisticated ones, should not be treated like adults. Rather the particular vulnerabilities of adolescence require that juveniles be accorded different treatment. "Youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage…Particularly "during the formative years of childhood and adolescence, minors often lack the experience, perspective, and judgment' expected of adults." In re Gault (1967) 387 U.S. 1, 55; Gallegos v. Colorado (1962) 370 U.S. 49, 54 (a 14-year-old-boy….cannot be compared with an adult in full possession of his senses and knowledge of the consequences of his admissions.")

[17] See "Police Action 'Outrageous,' Students Say. Charges of Racial Slurs, Beatings at School Dance Are Under Investigation." Rocky Mountain News, May 18, 1996, Pg.11A; Operations Manual for the Police Department of the City and County Denver, Colorado, Section 108.08. (Website information).

- **The comprehensive response plan should create "police-school liaison teams" who respond to incidents that require additional support beyond the school administration, the school safety chief, the SRO and security guards. These teams should be comprised of officers specially skilled with and trained in working with student populations and may include SROs from other school sites.**

- **SFPD should develop written guidelines and training for a crowd control policy that is specifically tailored to a juvenile population in a school setting.**

Many of the students, teachers and parents complained that the strong police presence and use of crowd control tactics escalated the tensions, especially when the incident originated as a non-weapon fight. Several jurisdictions emphasized both the school administration's and SRO's reliance on verbal skills and other de-escalation tactics to intervene into conflicts, especially fights.

- **The comprehensive response plan should emphasize the use of verbal and other de-escalation skills to handle incidents.**

Obviously any comprehensive response plan that involves the collaboration of many safety partners including school administration, staff, teachers, law enforcement, students, parents and community volunteers will require extensive training. Both San Jose and Palm Beach jurisdictions are involved in on-going training that includes routine follow-up exercises and drills to ensure familiarity, skill and success in carrying out the safety plans.

- **The comprehensive response plan must provide training to the Principal, his or her designees, school safety chief, school security guards, the school resource officers and selected teachers, students, parents and community volunteers to ensure that all participants are knowledgeable as to the comprehensible response plan and their role and that they have the requisite skills to de-escalate and neutralize incidents in a manner that preserves the safety of the school community.**

A number of jurisdictions indicated that after incidents involving police intervention on campus, representatives of the police department were involved in one or more debriefing sessions with school and community members to discuss the actions taken and to listen to school and community concerns.

- **The comprehensive response plan must include a multidisciplinary team to facilitate debriefing on campus after any incident involving significant police intervention**

SUMMARIES OF CONTACTED JURISDICTIONS[18]

Introduction

We have included below summaries from two cities commonly mentioned as best practice jurisdictions concerning juvenile practices (San Jose, California and Palm Beach, Florida). We have also selected a variety of other jurisdictions because they experienced student fights on campuses and handled them in a variety of ways that avoided the need for a large police presence on campus and/or the use of crowd control tactics.

Typically we interviewed sergeants who supervised the school resource officers; on occasion we talked directly to school resource officers. In the case of Palm Beach County, we were able to talk with the Police Chief and a high school principal.

Most departments that were contacted had not had school incidents requiring crowd control tactics or the involvement of large numbers of police.

San Jose Police Department

Background :

San Jose's Safe School Campus Initiative was created to "help manage critical incidents of youth violence, crime or criminal street gang activity" through "early response or intervention to potentially violent situations."[19] In addition to providing a pro-active approach to crime prevention, it establishes "clear lines of authority, multi-system protocol and procedures for management of critical incidents of violence or crime occurring on campus." [20] By coordinating services and emphasizing prevention, the Safe School Campus Initiative is a multi-disciplinary approach to supporting schools in creating a safer community.

Through the Safe School Campus Initiative, San Jose has created police school coordinators (also known as school safety liaison officers) and community coordinators who work in participating school districts. Ten full-time police officers are assigned as school safety liaison officers. These officers in addition to two sergeants comprise the School Safety Liaison Unit.

The school safety liaison officers assist schools in developing the school safety plan and serve as a liaison between the school district, individual school sites, police district supervisors and beat officers. One of the goals of the school safety liaison officers is to

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[18] Some jurisdictions that were contacted are not summarized here either because they declined to be interviewed or their experience with fights and crowd control policies were similar to jurisdictions already discussed here.
[19] See Appendix D, San Jose's Safe School Campus Initiative materials, p.8.
[20] Ibid.

provide a "quick intervention response in potentially violent situations" with complete follow-up and after care for youth and their families.[21] School safety liaison officers are organized in school safety teams and are specifically trained to deal with juveniles.

The community coordinators are assigned from the Department of Parks, Recreation and Neighborhood Services, Youth Services Division. The community coordinators provide "access to gang intervention specialist services, as well as recommend appropriate prevention resources to individual school sites."[22] The community coordinators are in direct contact with community based youth crime prevention and intervention organizations and services such as the Right Connection, a mobile outreach unit that provides city-wide gang mediation and intervention in the community and in the schools.

The school safety liaison officers and community coordinators attend monthly school district safety meetings and attend other district wide meetings pertaining to school safety. Working as a multi-disciplinary team, the school safety liaison officers and community coordinators "broker the services of community-based organizations to ensure safety on school campuses."[23]

In addition to the school safety liaison officers, off-duty police officers are hired by the school district and stationed on high school campuses in positions similar to what other jurisdictions call school resource officers. These site officers receive their training from the school liaison safety teams. Site officers wear a special use school uniform comprised of a white polo shirt and blue trouser. Handgun, O.C. spray and handcuffs are carried in a black fanny pack or carried concealed from view.[24]

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

The department relies upon the partnership of school safety liaison officers, community coordinators and the site officers to prevent potentially violent situations from arising and to proactively respond if a violent incident occurs. The school safety liaison unit which is organized in safety teams works closely with school administrators to prevent and respond to incidents. For example, if police or community coordinators had information about a potential gang fight, the mobile outreach unit, the Right Connection, could be brought onto campus to mediate between rival gang members. If an incident occurs, site officers use their discretion in deciding what type of assistance is needed. Depending on the nature of the incident, site officers may also call for assistance from patrol officers to stabilize the incident. The department's emphasis is to use officers who have specialized training with student populations to respond to incidents.

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[21] See Appendix E, Youth Intervention Services, City of San Jose Department of Parks Recreation and Neighborhood Services, p. 2.
[22] See Appendix D, San Jose Safe School Campus Initiative Materials, p.11.
[23] See Appendix E, Youth Intervention Services, City of San Jose Department of Parks Recreation and Neighborhood Services, p. 2.
[24] See Appendix F, San Jose Police Department, Campus Police Officer Training 2002-2003, p. 42.

The department was unaware of any time that a school was closed down because of a fight. Although it did not have a special crowd control policy to deal with juveniles and school settings, the department emphasized that its multi-disciplinary and pro-active crime prevention approach avoided the need for crowd control tactics on its school campuses.

Palm Beach County School District Police Department

Background:

Similar to several school districts in the nation, Palm Beach County School District has its own police department. The school district's police department is comprised of 179 sworn officers in addition to the Chief of Police. There are 22 high schools with 2 SROs in each. SROs are in uniform and fully armed.

Beginning in 1994 the Palm Beach County School District Police Department began training school administrators and selected teachers in "Techniques for Effective Aggression Management (TEAM). TEAM is a non-pain compliant form of self-defense and control procedures developed by the Florida Mental Health Association and the University of South Florida and approved by the state's department of Health and Rehabilitative Services. TEAM training involves 3 days of hands-on course work in which the police department teaches administrators and teachers to proactively de-escalate potentially aggressive situations through verbal and physical interventions. Every six months, TEAM trainees are required to attend a review of the verbal and physical techniques. Within the first year of TEAM training, one high school principal reports that fights decreased significantly, resulting in only six per year now. This high school has surveillance cameras.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

Each school has a Crisis Response Team of administrators and teachers who are trained in TEAM techniques. Crisis Response Teams are organized to respond to a variety of emergencies and incidents ranging from a natural disaster to an active shooter to a disruptive student.

If an incident such as a fight occurs, teachers call for the Crisis Response Team to intervene. Under this model, administrators and teachers operating in Crisis Response Teams are the first responders to an incident.

If the Crisis Response Team is unable to handle the incident, school administrators can call upon the SRO for assistance. Both the SRO and the administration can also call for police back-up. If a SRO calls for backup, then he/she would call dispatch and both the local jurisdiction and the school district police department would respond. On average, 2

or 3 cars is the largest number of police needed to respond to an incident. One high school principal recalled needing police backup in just one incident.

This principal believed that the low number of incidents at the high school was due to the combination of TEAM training and student-based programs such as the student ambassador program, and the school advisory council. This principal viewed the student-based programs as essential violence prevention measures because they empowered students to solve problems in their own environment, thereby developing an investment in their own community.

In general, the school district police department will not close down a school because of an incident. Even when a shooting occurred on a school premise—it was not closed down. The department's goal is to return the school to normalcy.

New Haven, Connecticut Police Department

Background:
The New Haven Police Department has 11 school resource officers in the district's schools. The police department provides 100% of the funding for the SRO positions. The schools provide an office and phone line. The Youth Policing unit includes Juvenile Investigation, the SRO program and other juvenile programs. The SROs wear full police uniforms on school campuses including visible gun and baton. The schools contain surveillance cameras.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

If a school resource officer needs assistance, the SRO calls dispatch. Normally the sergeant supervising the SROs will respond along with a juvenile detective. If additional assistance is needed, beat officers from the neighborhood are called to respond.

The department emphasized that it has a very strong relationship with the board of education and that the department's approach is to "get before the curve" to prevent things from happening. The department's crowd control policy applies to both adults and juveniles. At most four police cars have had to respond to on-campus school incident.

San Diego City Schools Police Department

Background:

San Diego's school district has its own police department, San Diego City Schools Police Department. Officers working for the City Schools Police Department train with the San Diego City Police Department and use the same tactics.

The San Diego City Schools Police Department has 17 campus police officers (CPO) and a number of community service officers stationed at various schools. CPOs have

radio connections to school administrators and the school police department. CPOs wear relaxed uniform (dockers and polo shirt) though their guns and other weapons are visible on their belts. The high schools have a handful of surveillance cameras which are part of a pilot program that a company has offered the school district. As a general rule, the city schools police department does not want to close a school in response to an incident; rather, the department strives to return the school to normalcy.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

School administrators are very active in responding to fights on campus and getting students back into class when an incident has occurred. If a CPO calls for assistance, patrol officers will respond. Patrol officer called onto campus for assistance are not given specialized training to handle juvenile populations. The School Police Department uses the same crowd control tactics that the City Department uses for both adults and juveniles.

In May 2004 two fights broke out at a San Diego high school requiring a response from both the school police and city police departments. According to police and media accounts, 1,800 students were in the quad during a break between classes when two males started fighting, drawing a large crowd of onlookers.[25]

About 10-15 officers responded to this incident to help school staff disperse the crowd. The school administration increased adult supervision and school police presence after the incident and also held a community meeting to stress the unique nature of the incident. The high school remained open throughout the incident.

Oakland Police Department

Background:

The Oakland School District used to have its own police force; in 2001 the Oakland Police Department agreed to take over the school district's policing needs. The Oakland Police Department has school resource officer programs in both the middle and high schools. The police department's high school program is called the Campus Life and School Safety Program. Officers are in full uniform with weapons visible. There are video cameras in the schools that are monitored by security guards.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

If a SRO calls for assistance, the sergeant supervising the SRO program as well as the neighborhood sergeant will respond. The sergeant supervising the SRO program emphasized that usually a fight involves two to four students fighting but because so many other students may be onlookers or egging the participants on, the incident can take

[25] "For 2nd Day, Police Break Up Fights At School," Article, The San Diego Union-Tribune May 1, 2004.

on a riot appearance. The Campus Life and School Safety Program has had numerous incidents involving student fights. Most often these fights occur on the streets surrounding the schools.

If a SRO is involved in large riot/crowd situation outside but on a school campus, the goal is to have a team of officers remove the individuals who are involved in criminal activity and then have other officers form a skirmish line to move the students out of the street and back into school. For example, in one incident over 2,000 students took over two city blocks. The officers used a skirmish line with batons, marching down the block and herded them back to class. The officers knew many of the kids; the administrators were also actively herding the kids back to classes. Typically one to two police units at most are called to provide back-up to the SROs. Normally, the police department will not close a school because of a student fight even when hundreds of youth are involved.[26]

Sacramento

Background:

The Sacramento Police Department has numerous SROs on high school campuses. The Police Department has a good working relationship with the school administration. The schools provides hall monitors, school administrators and SROs with 2-way radios. SROs are in full uniform; their gun and other weapons are visible.

The Police Department has initiated a pilot program called "Spirit" which brings together students to identify and solve problems in the school. Its goal is to provide student mediation and problem-solving skills and to ultimately reduce school violence. The Police Department is working with the hall monitors to give them more tactical communication skills (verbal judo). As to other training the department provides on school campuses, they emphasize gang awareness training for teachers and students. La Familia is an outreach counseling service that can intervene when gang tensions are occurring. They've been at the high school a number of times. This is the fourth year they've received a gang violence suppression grant which has enabled them to hire an outreach worker who provides community services and works at the high school.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

The supervising sergeant of the SROs emphasized that student conflicts and fights are normally school matters that are handled by the school administration. Both school administrators and hall monitors are designated as first responders to school incidents. He emphasized that his department does not want to escalate the use of force or police

[26]The department shut down a school football game at half-time when the stadium was filled over capacity by 1,500 and lots of fights were breaking out everywhere. Approximately 25 officers where dispatched to disperse the crowds, monitor traffic and coordinate public transportation.

presence quickly. Rather the department relies on school administrators and hall monitors to be the first responders to incidents. If they cannot handle things or if the incident is clearly criminal in nature, then SROs are brought into the situation. The same crowd control techniques are used for both adults and juveniles. It is the department's general practice not to close down a school.

Seattle

Background:

The security guards, school administration and SRO work very closely, meeting on a monthly basis to discuss school safety issues. The SROs provide training to the security guards. The school district has one person who is in charge of school security—he is a former police officer. A local prosecutor has also provided additional training to the school administration, SROs and security guards concerning issues in juvenile law.

When surveillance cameras were initially installed at one high school, students would hit the cameras with basketballs so that they would be tilted to the ceiling. Within a week they just disappeared and have never been replaced.

SROs wear full uniforms and carry a gun.

Protocol for Responding to a Fight on Campus and Use of Crowd Control Tactics:

Normally, the security guards and school administration respond and handle fights. The SROs do not get involved unless there is a serious injury or a need for a police report.

If a SRO needs back up, typically he or she can call another SRO at a neighboring school. SROs can call dispatch for additional support. There are certain events at school that involve the influx of students from other schools and the potential for fights to break out. Under these circumstances, an SRO may have 5 or 6 additional officers on campus.

Normally, schools are not closed because of a typical incident such as a fight. One school closure had occurred when there had been a shooting at a community center that was close by to a school.

Safe School Priorities and Recommendations

Feedback from schools and parent and community based organization identified four broad safety goals: reducing violence and effectively addressing the impact of violence in schools; creating safe and caring school environments; ensuring safe passage to school; and, ensuring effective communication with all safety partners.

GOAL ONE: Reducing Violence

Priority Areas	Recommended Actions
City Agencies and SFUSD must decrease the incidence of violence and dampen its impact on school environments.	1. SFPD, in concert with MUNI and SFUSD, will identify and target street hotspots that experience consistent after-school violence and disturbances as a result of students.
	2. SFUSD & City Agencies will provide school staff with training on de-escalation skills and effective means of handling violent and/or potentially violent situations. Cross training between SFUSD and School Resource Officers should occur.
	3. Schools will identify students with use of student ID cards and post "no trespassing" signs and actively enforce them at school sites.
	4. SFUSD will train and supervise school security guards.
	5. SFUSD and SFPD will document and implement a formal method of communication between SFUSD and SFPD to transmit information on relevant issues and incidents that occur during off-school hours.
	6. Every middle and high school will create collaborative safety teams to identify potential crises.
City Agencies and SFUSD must understand & effectively address turf or gang-related issues.	1. Provide administrators and teachers with training on how to identify and prevent turf/gang activity, related to their specific school community and student population

GOAL TWO: Creating Caring School Environments

Priority Areas	Recommended Actions
Safety roles and responsibilities of all partners (students, parents/ guardians, staff, district admin., city & community partners, etc) must be clearly articulated.	1. SFUSD will develop a list of district-wide school safety expectations that include priority issue areas: a) consistent discipline; b) bullying and sexual harassment; c) incident and mandatory reporting; and d) emergency and crisis response.
	2. Roles of all partners will be defined. MOUs and other documents that define roles will be provided to school sites: a) The Police Commission and the Board of Education will approve the MOU specifying mutual roles and responsibilities of the School Resource Officer Program. b) Juvenile Probation Department (JPD) will provide on-call juvenile probation officers to meet with school staff, provide updates, and increase level of supervision and school attendance compliance checks, if needed. JPD will also provide information to Pupil Services when youth are released from detention. c) Gang Free Communities Committee will help develop community response networks that will assist school sites to reduce escalating violence following significant incidents. d) The Department of Parking and Traffic and the Department of Public Works will work with SFUSD to improve signage and traffic flow around all elementary schools.

GOAL TWO: Creating Caring School Environments (con't)

School administrators, faculty and staff and students must be trained and provided on-going support and monitoring to ensure quality implementation of their safe school plans.	1. SFUSD Administrator Institute in August 2004 will provide training to school administrators on safe school expectations and priorities. Assistant Superintendents for Instructional Support and Operations will monitor for quality implementation.
	2. An SFUSD School Safety Chief (SSC) position will be established and an SCC hired to develop and coordinate a comprehensive safety plan that includes training & support. As SFUSD's main safety contact, all incident and other related safety information must be shared w/ the SSC. The SSC will provide safety updates at all ELT meetings.
	3. SFUSD will discuss and assess implementation of school safety elements on an on-going (at least once per month) basis: Executive Leadership Team (ELT), Cabinet, Administrator, Instructional Support and Operations, Pupil Services, School Site Council, and other centralized meetings.
	4. Homeroom or advisory period will be required in secondary schools to provide opportunities for school safety discussions and training. At the elementary level, regular school safety discussions will be incorporated into the school day curricula.
SFUSD must find effective means of engaging and partnering with parents and community members.	1. Schools will provide parents with meaningful opportunities to be involved in their child's school.
	2. Schools will enlist support from community organizations to: a) Encourage the development of model community-student initiated events high school and middle schools b) Involve Gang Free Communities Frontlines Committee to conduct gang prevention presentations to appropriate grades.
	3. SFUSD will expand the scope of the Pupil Services Interagency Team to identify and broker community services for increased SST/SAP team behavior referrals.

GOAL THREE: Ensuring Safe Passage to and from School

Priority Areas	Recommended Actions
Schools will have defined and implemented safe student drop-off/pick-up procedures appropriate for grade levels.	1. Schools will be provided with a list of required elements of a drop-off/pick-up safety plan. These elements must be incorporated as part of element #4 of their school site plan.
	2. Schools will provide their ISOs and the Facilities Department a prioritized list identifying safety issues and needs for their student drop-off plan (e.g., lighting cross walks). SFUSD will work with related city departments as needed to address needed safety supports.
SFUSD, MUNI and SFPD will plan and coordinate resources and schedules to help ensure safe transportation patterns.	1. SFUSD will meet quarterly with MUNI and SFPD to discuss transportation issues and share pertinent schedule information to ensure that buses are available when students get out of school and that busing patterns dd not chump students at different transfer points.
	2. Schools will provide SFUSD Safety and Security Department with school bell schedules. Any bell schedule changes, whether one-time or on-going, must be reported by school immediately to the Safety and Security Department.

GOAL THREE: Ensuring Safe Passage to and from School (con't)

	3. Principals, SFPD and MUNI will work together to ensure oversight and security of students arriving and leaving school via MUNI.
SFUSD will work with all partners to develop and ensure SFUSD students have safe places to be after-school.	1. SFUSD will meet with City partners to coordinate after-school efforts and develop means of effective outreach to parents and youth.
	2. SFUSD will work with City partners to provide schools with a comprehensive list of after-school programs and services available within San Francisco. Schools will share this information with parents and guardians. SFUSD Central Office and all schools will provide opportunities for city departments and community organizations to conduct orientations for parents/guardians and youth about their after-school programs and services.

GOAL FOUR: Ensuring Communication and Collaboration among City and Community Partners

Priority Areas	Recommended Actions
SFUSD must have an effective means of broad-based communication with parents and guardians.	1. SFUSD will update current communication tools (i.e., autodialer) to ensure more effective channels of communication with parents/guardians & accuracy of contact information and provide training to schools on use of all tools (i.e., crisis lines, etc).
SFUSD must have an established means of communication with all partners to ensure that there is an ability to share information across agencies and organizations.	1. SFUSD will develop clear communication policies for both on-going issues and during crises that ensure that relevant information can be shared efficiently and effectively among all partners (e.g., parents/guardians, partner community-based organizations, city agencies, etc.).

APPENDIX B

CONTACTED ORGANIZATIONS, AGENCIES AND ACADEMICS

Academics

Prof. Dennis Kinney	John Jay College of Criminal Justice
Prof. Sam Walker	University of Nebraska
Prof. David Weisburd	University of Maryland
Prof. David Klinger	University of Missouri

Civilian Oversight Agencies

Denver Public Safety Review Commission
Police Assessment Resource Center
Berkeley Review Board
National Association of Civilian Oversight of Law Enforcement (NACOLE)
Office of Professional Accountability (Seattle)
Independent Auditor, San Jose
Oakland Police Review Board

Criminal Justice Organizations

Attorney General Office, South Carolina
Attorney General Office, Sacramento
National Institute of Justice

Educational Associations

National Association of Secondary Schools
National School Safety Center
Safe and Responsive Schools Project

Law Enforcement Associations

National Association of School Resource Officers (NASRO)
Police Executive Research Forum
National Organization of Black Law Enforcement Executives (NOBLE)
Community Policing Consortium
Community Oriented Policing Services (COPS)

Law Enforcement Agencies

Sarasota School District, Florida
San Jose Police Department
Boston Police Department
Palm Beach, Florida
New Haven, Conn.
Altamonte Springs, Florida
East Palo Alto Police Department
Oakland Police Department
Sacramento Police Department

San Francisco Police Department
Denver Police Department
Berkeley Police Department
Fresno Police Department
Seattle Police Department

Youth Advocacy and Civil Rights Organizations:
Justice Policy Institute (D.C.)
Youth Law Center (S.F.)
National Center for Youth Law (Oakland)
ACLU-NC (S.F.)
ACLU-South Carolina
Justice Matters (S.F.)
Legal Services for Children (S.F.)
Center for Juvenile and Criminal Justice (SF)
Civil Rights Project, Harvard University
Policy Link (Oakland)
Juvenile Law Center (Philadelphia)
Children's Defense Fund (Washington, D.C.)
Advancement Project (Washington, D.C.)
Applied Research Center (Oakland)
Institute of Race and Justice (Northeastern University)
Vera Institute (New York)
Coleman Advocates (S.F.)

APPENDIX C

Rescinded, Amended, and Re-Adopted by the
Board of Education at its Regular Meeting of June 22, 1999

Subject: Resolution No. 92-23A6
COLLABORATING WITH THE COMMUNITY TO ENSURE SAFE SCHOOLS
- Commissioner Steve Phillips

WHEREAS: The San Francisco Unified School District wishes to continue its successful collaboration with law enforcement to ensure safety in our schools; and

WHEREAS: The SFUSD and the San Francisco Police Department work as a team to enhance the security and education of the SFUSD staff and its students;

WHEREAS: SFUSD wishes to maintain and strengthen the relationship of trust between schools and student's families.

WHEREAS: SFUSD recognizes the serious potential consequences for youth of juvenile court involvement and wishes to avoid unnecessary criminalization of our students.

WHEREAS: The San Francisco Police Department devotes more than 50 officers to school related issues, including School Resource Officers assigned to every middle school and twenty "29 cars", whose primary responsibility are to provide assistance to schools and to respond to juvenile-related activity in and around schools and in the community;

WHEREAS: SFUSD staff members and administrators work with School Resource Officers and 29 cars to provide a law enforcement presence on school campuses in order to reduce crime and foster positive interaction and improve communication between police officers, staff and students;

WHEREAS: SFUSD works with the SFPD to provide educational courses to its students in areas such as personal safety, vehicle safety, drug and alcohol education, truancy prevention, delinquency prevention, crime prevention, and gang-related issues;

WHEREAS: SFUSD and the SFPD wish to encourage, continue and improve upon the involvement of law enforcement in the education and safety of the students and staff; and

WHEREAS: SFUSD wishes to maintain District-wide consistency with regard to the procedure for requesting police response to an incident regarding the potentially criminal behavior of a student;

NOW THEREFORE BE IT RESOLVED:

A. Staff members and school site administrators shall only continue to request police assistance in the following situations:

1) When police involvement is necessary to protect the physical safety of students or staff;
2) When required by law (Please refer to the student handbook);
3) When appropriate to address criminal behavior of persons other than students.

Police involvement should not be requested in any situation that can be safely and appropriately handled by the school or District's internal disciplinary procedures.

B. Staff members and school site administrators should continue to encourage informal contact between police officers and students, including counseling and implementation of crime prevention programs, and other school related activities. With respect to disciplinary matters, no staff member or school site administrator should request that police officers perform functions normally within the purview of District employees. Specifically, no employee should use police officers to interview students or otherwise collect evidence for an expulsion hearing, unless the employee believes that such an investigation could pose a danger to themselves or others.

C. The District shall distribute a list of community resources that a teacher or school administrator may use to address problem behavior in students, such as gang prevention programs.

D. All school staff shall receive information regarding counseling services and receive training on how to assist students dealing with behavioral, personal, and educational issues. When a student has persistent behavioral problems, the school site and Youth Development and Coordinated Services Department shall continue to develop a plan for services for that student, which would include counseling services.

E. If a district employee believes that police assistance is required to address the behavior of a student, the following procedures shall apply:

1. If a student poses an immediate danger to the student or others, a staff member should, in an emergency or crisis situation that reasonably precludes prior notification of the school site administrator, call "911," a 29 car, or any other police officer. The staff member should notify the school site administrator as soon as possible after making a request for such emergency response.

2. If a student does not pose an immediate danger to the student or to others, a staff member should contact a school site administrator prior to requesting police response to an incident involving potentially criminal behavior by a student. That administrator shall determine whether the incident falls within the criteria described in Section A.

3. In situations where police are on campus for other reasons, such as teaching a class, the above procedure must still be followed in that the above criteria must still be met prior to involving police in a school discipline matter.

4. When either the staff member or the school site administrator requests that the police respond to an incident involving potentially criminal behavior by a student, the school site administrator must notify the School Operations Office regarding police response to incidents involving students as soon as possible, and prepare a written incident report to the School Operations Office on the same day. District staff shall monitor reports of calls to police. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

5. Except in emergency situations, the school shall conduct its own investigation prior to making the decision to request police involvement, including interviewing the student and other witnesses, in order to determine whether police involvement is warranted under this resolution.

~~6. When Car 29 or other police officers come to schools for classroom activities, outreach efforts or other community partnership activities, e.g.: for non-enforcement and non-emergency functions, they shall not bring any firearms onto the campuses or facilities of the SFUSD.~~

6. That the staff is requested to meet with the San Francisco Police Department to develop appropriate MOU's defining the Car 29 and all other school-police partnership programs by the start of the 1999-2000 school year. As part of these MOU's, the Board of Education requests the police to explore the possibility of not bearing arms when on campus for these non-enforcement roles.

F. Except in situations where the student is a suspected victim of child abuse, the school must immediately call the student's parents. Efforts to contact parents must include calling all numbers listed on an emergency card, including work numbers, pager numbers, and any number supplied by the student. Parents must be given reasonable opportunity to come to the school and be present for any police interrogation. If a parent cannot be found, the school site should offer the student the option of having an adult, of his or her choice if available, from the school present during an interrogation.

G. The Pupil Personnel Department shall develop and provide an annual training to all administrators, deans, counselors, teachers, and other on-sight personnel. The training shall address the enforcement of the procedures set forth in this resolution, the rights of minors with regard to the police, and the potential consequences for youth of police and/or juvenile court involvement.

H. The Board shall appoint a committee of parents, students, school staff, police and community members to review summaries of incident reports submitted to Operations, redacted copies of records from CARC, and input from parents, students and community and make a report to the Board in the Spring of 2000. The District shall make a report of police involvement, broken down by type of offense, available to this committee on a quarterly basis.

Safe School Campus Initiative

CODE RED

Campus Lockdown

Presented by
Officer Bob Mehe'ula #2136
San Jose Police Department
School Safety Liaison Unit
408.277.5263

Ice Breaker "Teachers Job Description"

Nationwide, schools have adopted safety plans that deal with a variety of situations

On a regular basis, schools conduct fire drills and natural disaster drills, but rarely train staff and students on how to react to a situation involving violence on campus

Through the efforts the San Jose Police Department, the East Side Union District and Parks, Recreation and Neighborhood Services, a program is in place in the City Of San Jose to counter such violence

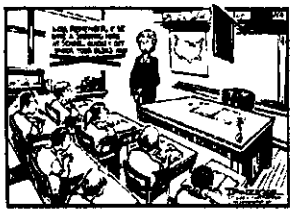
Code Red is designed to give staff and students several options depending on the level of violence and where the violence is occurring in proximity to the campus

Code Red is a program that utilizes a variety of reactionary protocols for the police department and supporting agencies, depending on the level of violence

Schools are taught to go into a lockdown that requires them to not only set up barricades inside the classroom, but flee to designated areas if outside

Mehetula 2136 4

The main goal behind Code Red is for staff and students to take an aggressive role in making themselves safe



Contrary to "old school" thinking, taking no action at all, increases the chances of someone getting seriously hurt

Mehetula 2136 5

Code Red is in response to a Level I incident either on campus or nearby

Code Blue is another form of lockdown, but does not require schools to put up barricades

It is designed to get everyone indoors quickly, while allowing teachers to continue to teach if already in class

If there is a problem at a neighboring school or a situation in the area being handled by police, SJPD will notify the administrator who may initiate Code Blue

Mehetula 2136 6

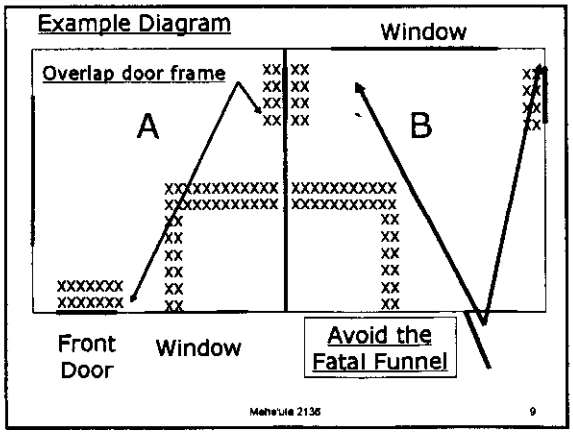
Code 9 is opposite of Codes Red and Blue

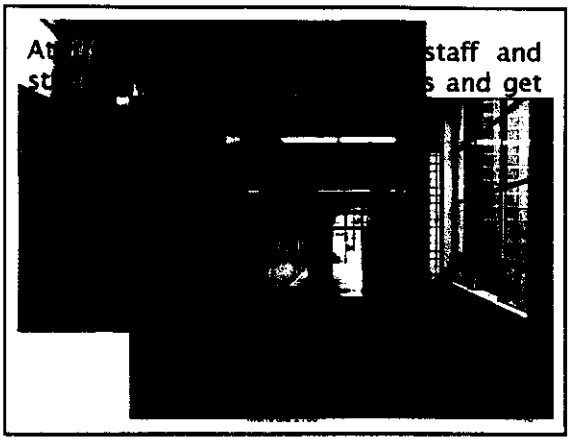
When announced, staff and students must exit the affected areas, similar to a fire drill

In most cases it is related to a bomb or bomb threat

Generally speaking, the lockdown protocol is the same throughout the City of San Jose. The only exception may be one of the following:

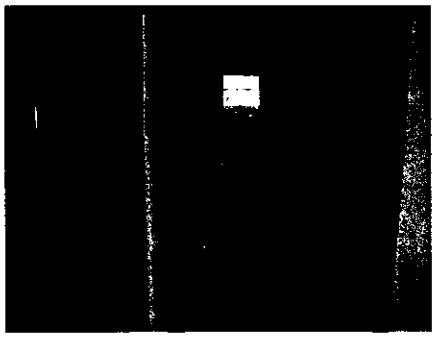
1. Location of the safe/staging area
2. Type of door and interior barricades
3. Parent/Student reunification center





Immediately Close Your Doors

- And lock them if you can (teacher decision)



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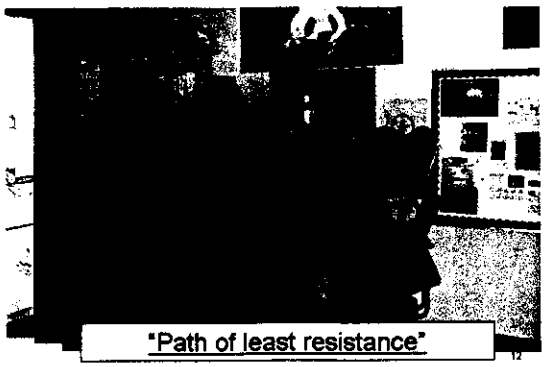
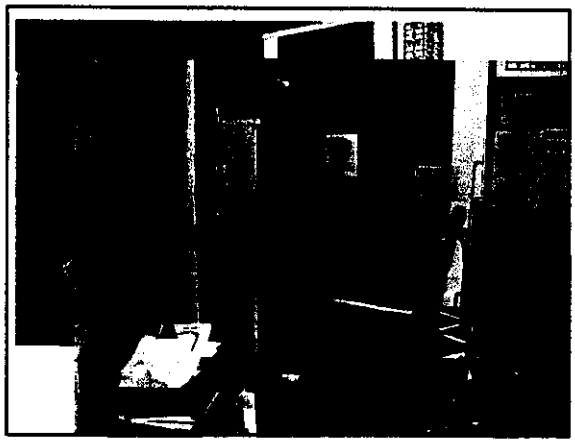
Erect Barricades on ALL of the doors

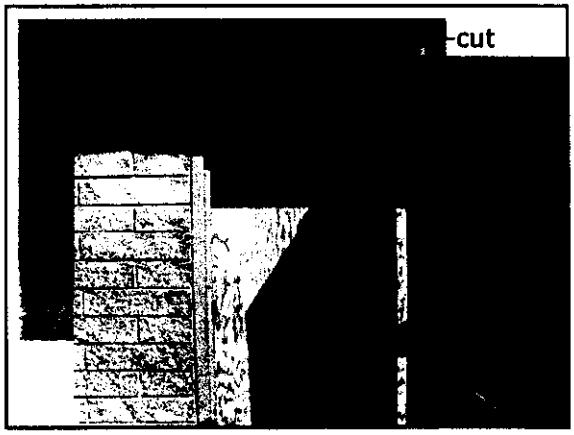


"Path of least resistance"

12




tear

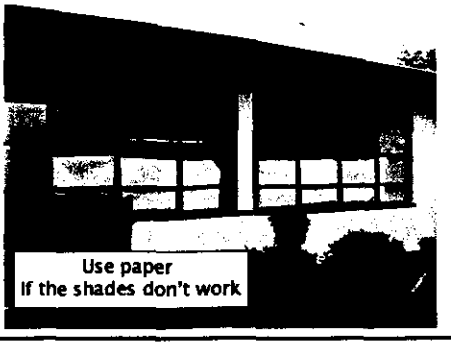

cut

After the door, erect an Interior Barricade

- Staff and students must be down and behind the barricade

Mahafula 2136 16

Cover ALL of the windows/glass doors and turn off the lights



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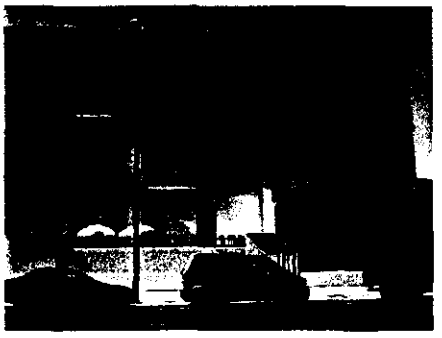
Keep away from all windows even if on the second or third floor of the building



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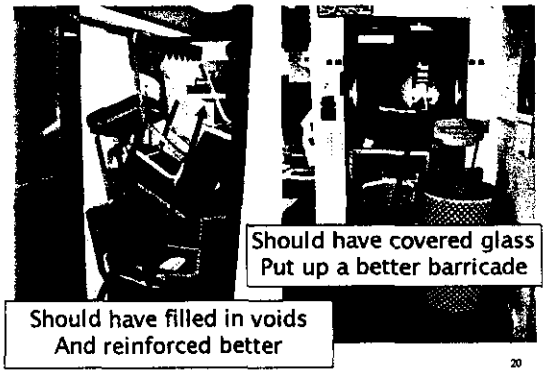
Avoid erecting poor door barricades



Should have covered glass
Put up a better barricade

Should have filled in voids
And reinforced better

20

City Of San Jose

SAFE SCHOOL

CAMPUS INITIATIVE

Prevention, Identification and Control

Of Youth Violence and Crime

21

The purpose of the Safe School Campus Initiative is to assist schools in creating and maintaining an environment that is safe for students and staff

The primary goal of the program is to prevent and if necessary help manage critical incidents of youth violence, crime or criminal street gang activity

This may be accomplished through early response or intervention to potentially violent situations

Mehetula 2136 22

Benefits of the Safe School Campus Initiative for Schools and School Districts

✓Provides resources for schools to prevent, identify, and control juvenile crime, and criminal street gang activity.

✓Establishes a pro-active approach for school safety planning for the prevention or management of incidents related to youth violence.

✓Establishes clear lines of authority, multi-system protocol and procedures for management of critical incidents of violence or crime occurring on campus.

Mehetula 2136 23

✓Establishes a school safety communication system, utilizing three levels of risk assessment

Level I – Incident In Progress 9-1-1 event which is clearly a safety concern and is interfering with school operations

Level II – Incident Likely to Occur Increasing potential for an incident to both happen and cause interference with school operations

Level III – Potential that Incident May Occur Clearly is not an immediate safety concern

Mehetula 2136 24

✓Establishes School Safety Alerts that are common to all participating members

Schools are warned of youth violence, crime or gang activity, as well as incidents involving a sexual assault of predators

Schedule 2136 25

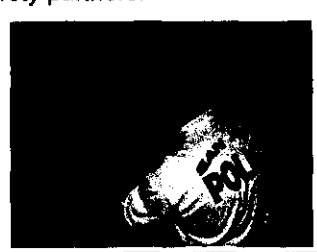
✓Strengthens the discipline team of the school, when the capacity of the school team is insufficient to handle large scale or complex incidents of youth violence.

S A F E T Y

T E A M S

26

✓Provides an organizational system for the school district and school site to coordinate related functions and resources of educational, governmental and community based safety partners.



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✓Establishes a continuum of intervention services to identify, prevent and control incidents of youth violence or crime

✓Establishes coordination with education, Police, Probation, and the Department of Parks, Recreation and Neighborhood Services

✓Provides a training program for schools and school districts dealing with elements, planning and protocol of the Safe School Campus Initiative

As part of its commitment to school safety, the City of San Jose has established safety coordinator personnel who are assigned to departments that support safety in schools

These unique coordinator roles include the Police School Coordinator from the Crime Prevention Unit of the San Jose Police Department, and the Community Coordinator from the Department of Parks, Recreation and Neighborhood Services, Youth Services Division

Police and Community Coordinators are assigned to participating school districts

The Police School Coordinator and Community Coordinators attend monthly school district safety meetings or attend other district wide meetings pertaining to school safety

Coordinators also make regular visits to school sites, meeting with administrators, school discipline staff and school security

Police School Coordinator

The Police School Coordinator provides technical assistance for the school in developing the school safety plan and functions as a liaison between the school district, individual school sites and police district supervisors and beat officers.

The Police School Coordinator is a resource within the Police Department for investigative units.

Community Coordinator

The Community Coordinator provides access to gang intervention specialist services, as well as recommends appropriate prevention resources to individual school sites.

The Community Coordinators chair divisional meetings of the Mayor's Gang Prevention Technical Task Force and are in direct contact with community based youth prevention and intervention organizations and services.

Right Connection

Provides city-wide gang mediation and intervention in the community and in the schools

Provides trips, home visits and assessments on gang involved/at-risk youth

Refers youths to the appropriate agencies/programs that support positive lifestyle changes

Provides gang awareness presentations

The District MDT is legally constituted as a Juvenile Justice Multi-Disciplinary Team, whose goal is the prevention, identification, and control of juvenile crime, which includes, but not limited to ,criminal street gang activity

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In addition to regular exchanges of information affecting particular schools and school districts, discussions are held to identify current gang activity and citywide youth violence trends

One of the most unique aspects of the Safe School Campus Communication System is the utilization of a voice paging system for critical incident response

Schools or SJPD Communications notify the MDT by calling (408) 277-5555

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The Safe School Campus Initiative is a collaborative effort and partnership between agencies to support schools, which has resulted in a safer community

The idea of schools, police, probation and other non-governmental agencies working together and sharing information without restriction as long as it serves a specific purpose, is a good way of doing business

The result is that San Jose has less crime and youth violence and can continue to be one of the safest cities in the nation

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Questions?

For more information, please contact Officer *Bob Mehe'ula*, Badge 2136 of the School Liaison Unit at (408) 277-5263

City of San Jose

Department of Parks Recreation and Neighborhood Services

Youth Intervention Services

CITY OF SAN JOSE

CAPITAL OF SILICON VALLEY

Parks, Recreation and Neighborhood Services

Berryessa Community Center, 3050 Berryessa Rd San Jose CA 95132

Kevin.Hirabayashi@sanjoseca.gov or (408) 251-6392

Safe School Campus Initiative

The City of San José has formed a partnership with all school districts within the city of San Jose to establish protocols regarding youth violence and gang issues on and around school campuses. Through this partnership, 10 full time San José Police Officers and 7 full time City Community Coordinators have been assigned to the Districts to establish a team brokering services of all agencies to ensure safety on school campuses. These teams broker the services of community-based organizations to ensure safety on school campuses.

The formation of this Multi-Disciplinary Team is the key element to ensure coordination and communication between the School District, the Police Department, County Probation, Non-Profit Community Based Organizations, and City Intervention teams.

The City of San José is committed to developing partnerships between youth programs, police, county probation, and the school districts through the establishment of single points of contacts, quick intervention response in potentially violent situations, complete follow-up and after care for youth and their families.

The major goal of this Multi-Disciplinary team is to ensure that youth violence related issues are addressed in a proactive and timely manner to not only respond in crisis, but to prevent potentially violent situations from arising.

For further information, call (408) ~~251~~ 918-5917.

The Right Connection

A mobile outreach unit that provides citywide gang mediation and intervention with street gangs, mediates volatile situations, reduces gang violence, and refers gang-involved individuals to intervention programs.

The Right Connection provides:

- Mediation between rival gang members
- Identification, and works with gang leadership to reduce gang recruitment.
- Identification, and reaches out to youth involved in gangs and provides them with positive alternative to the gang lifestyle and culture.

Services

- Gang Mediation (work with gang youth & gang leadership)
- Crisis Intervention
- Assist in Public Events
- Gang Presentations (Bring awareness to community and school safety)
- Interact with community based organizations, schools, businesses, juvenile hall, county jail, Mayor's Gang Prevention Task Force agencies, and other government agencies.
- Provide mobile street outreach city-wide

For further information, call (408) ~~251~~ 918-5917.

S.T.A.N.D.

Striving **T**owards **A**chievement with **N**ew **D**irection (S.T.A.N.D.) for Women and Men are programs designed for youth in need of gang intervention. The programs service youth who are impacted or involved with gangs. These programs are designed specifically to provide unique services to each gender.

S.T.A.N.D. for Women and Men assists females/males in the following:

- Reduce delinquent behavior
- Prevent further gang involvement
- Academic Achievement

and offer activities such as camping, river rafting, community outings and recreational activities.

Program Mission...

To assist females and male, ages 12 to 21, to disassociate themselves from gang involvement or lifestyle and guide them towards positive alternatives.

Services includes...

- Assessment
- Referral Services
- Presentations and Workshops
- Intervention Assistance
- Outreach
- Meditation

S.T.A.N.D. for Women

A 15 week long support group that offers female youth a neutral setting to discuss issues such as:

- Education
- Women's Health Issues
- Life Skills
- Self-Esteem
- Substance Abuse
- Domestic Violence
- Conflict-Resolution
- Gang Awareness
- And more...

The diversion component is the U-TURN program offered by the Central California Women's Facility in Chowchilla.

S.T.A.N.D. for Men

Provides young men with an opportunity to discuss a variety of issues related to the environment in which they live. S.T.A.N.D. for Men is a 15 weeklong curriculum that deals with topics such as:

- Education
- Health
- Life Skills
- Self-Esteem
- Substance Abuse
- Domestic Violence
- Conflict-Resolution
- Gang Awareness
- And more...

The diversion component is the Straight Life program offered by California's Tracy D.V.I. Prison.

For further information, call (408) 277-2739.

Clean Slate

What DO WE do?

The Clean Slate Program removes tattoos from gang involved and at-risk youth of San José, who have found tattoos to be a barrier in furthering themselves through education and/or employment. We also assist youth with educational opportunities, job development life skills, counseling and information on how to utilize community resources.

Criteria

- Must be between the ages of 14 and 25.
- Must be a San José Resident.
- Tattoos must be on hands, wrists, neck or face.
- Must live a gang free lifestyle.

Requirements

- Must complete 75 hours of community service
- Must be working or going to school and/or must enroll in a job readiness or a vocational program
- Must commit to Program for one year by attending bi-weekly group meetings for six months and one time monthly meeting for the remaining six months
- Must be gang free

Tattoo Removal

- Performed at Santa Clara Valley Health and Hospital (SCVHH) by a group of volunteer doctors who use a Q-Switched ND: YAG Laser system.
- Usually takes about six months per patient for tattoo removal and follow-up. If more time is required, treatment will continue until tattoo removal is completed and no further follow-up is necessary.
- Is working collaboratively with Santa Clara County's CalWorks Program.

Testimonials

"My name is Mario Rico. Prior to coming to Clean Slate, I was involved in a street gang and I felt as if I was trapped in that lifestyle. When I heard of this Program, I felt a big relief because I was like..saved. I knew if I had my tattoos removed, I would have a better chance of a job of my choice and a future I can look forward to. So I'm in the Program and I let go of my old friends and my old way of living. I've learned a whole lot from the many presentations given to us and I appreciate Christina [Ojeda], Sam Garcia and Bernie Rosales. These three people are the best and they have a lot to do with who I am today and who I will be tomorrow. I will never forget them."

Mario Rico

For further information, call (408) 277-2824

San Jose Police Department
Campus Police Officer
Training

2002-2003

Legal Authority

School employment of police is authorized by the California Penal Code. Further regulations of school employment have been applied to secondary employment by the San Jose Police Duty Manual, including the wearing of a San Jose Police Uniform (C1513) or the alternate uniform, as described in the San Jose Police Department Uniform and Equipment Manual. Log on is required at all secondary employment locations including schools. (C1522).

- Penal Code Section 830.1(a) Persons who are Peace Officers are those employed in that capacity and appointed by the Chief of Police.
- Penal Code Section 70(c) Peace Officers are authorized to work secondary employment as peace officer off duty in uniform for a government entity. The secondary employer has civil and criminal liability for employment.

San Jose Police Department Requirements for School Employment:

- Campus Police Officer Training
- Secondary Employment Work Permit and Insurance
- Wearing of San Jose Police Uniform or Alternate Uniform

Campus Police Officer Supervision:

The supervision of Campus Police Officer's security duties is the responsibility of the site administrator or designated representative of the school. Civilians do not supervise police authority. Police response is based on the officer taking the appropriate action as would be taken when on-duty with the police department. The officer's discretionary authority to take non-enforcement action in cases involving a minor is based on law and department policy. Police Officers working on a school campus are subject to all of the rules and regulations of the San Jose Police Department.

Workers Compensation Issues/Injuries

A police officer taking enforcement action off duty is acting under the authority of his employment with the City of San Jose under penal code section 830.1. Penal Code Section 830.1(a)(1-3) addresses peace officers powers to make an arrest at any time in the jurisdiction where employed, unless, the Chief of Police does not give consent. Further an arrest can be made anytime by a peace officer for any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or the escape of the perpetrator. In addition the duty manual outlines off duty enforcement and states, " when action is considered necessary consistent with the tactical situation, offense involved, or other factors as articulated by the involved officer, any police action taken will be governed by the same policies, procedures, rules and regulations that apply to an on-duty person in a similar situation. (Section C1444)

C 1534 **OUTSIDE WORK INVOLVING OFF-DUTY/ON-DUTY PERSONNEL:**
In situations where both on-duty and off-duty personnel are involved, the on-duty personnel shall have the final decision authority as to what action will take place. (In the event the off-duty member is of greater rank, the on-duty member will notify an on-duty supervisor of equal rank or higher to resolve the issue.)

C 1535 **CRIME REPORT RESPONSIBILITY WHILE EMPLOYED OFF DUTY:**
Members working law enforcement related secondary employment will initiate, complete and submit a crime report whenever an incident is directly related to the scope of their assignment. Communications will assign an on-duty officer to assist when it becomes necessary to process evidence, book or cite a prisoner, conduct follow-up, or engage in any other police activity that would require the off-duty officer to leave the secondary employment site.

C 1536 **ARRESTS RELATED TO SECONDARY EMPLOYMENT:**
Members making arrests during a law enforcement related assignment for a secondary employer will complete and submit all necessary arrest documents and investigative reports to the Police Department at the completion of their assignment.

C 1537 **SOLICITATION FOR SECONDARY EMPLOYMENT WHILE ON DUTY:**
While on duty or in uniform, employees shall not solicit any type of secondary employment.

Special Use (School) Uniform:

Off. Linh Luu #2780

The authorized polo shirt is white and shall meet the requirements of the enforcement polo shirt as noted on page 36.

Hartwell brand, made of blue nylon, with fleece lining and a button-up front is an example of the authorized jacket. Any other brand must meet or exceed it in all respects. On the left breast will be a large S.J.P.D. star and on the right will be the officer's name and badge number. The words "San Jose Police" will be on the back in large letters.

Any handgun, O.C. spray, or handcuffs will be carried in a black 'fanny' pack that is manufactured for such use, or they will be carried concealed from view.

The pants will be non-faded blue trousers.

CITY OF SAN JOSE - MEMORANDUM

TO All Sworn Personnel

FROM William M. Lansdowne
Chief of Police

SUBJECT Secondary Employment Insurance

DATE June 7, 1999

APPROVED

DATE

99-34

BACKGROUND

Last year the City Council enacted a change in the Secondary Employment Insurance requirements under the authority of the Municipal Code. The City purchased the Insurance with each Officer reimbursing the City 1/4th of the premium. This year the cost of the insurance has gone down slightly and will cost $434.07 per member, thus lowering the reimbursement to $108.52.

The Insurance expires on June 30, 1999. All those who paid for their insurance premium in a lump sum, verses the payroll deduction through the POA will need to respond to the Secondary Employment Unit and pay their premium to keep the policy in force.

This insurance is mandatory for all members if they are working security, traffic control or plain-clothes security related secondary employment.

Those who are having the POA make their premium payments through their paycheck deductions will have their deduction adjusted by the POA office staff.

ORDER

All Department members who choose or are required to pay the lump sum premium for the Secondary Employment Insurance will respond to the Secondary Employment Unit and make the premium payment before June 28, 1999. The Secondary Employment Unit is located on the second floor of PAB, next to the Permits Unit. If there are any questions please contact the Secondary Employment Unit at ext. 4980.

William M. Lansdowne
Chief of Police

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: ALL SWORN PERSONNEL **FROM:** William M. Lansdowne

SUBJECT: REPORTING SCHOOL RELATED VIOLENCE INCIDENTS **DATE:** March 29, 2001

Approved Date 2001-017

BACKGROUND

There have been numerous violent assaults on school campuses across the country, and related events have occurred in San Jose as well. Any incident at a school campus involving a violent act or a credible threat to commit a violent act requires a coordinated response from the Department's patrol, investigative, and intervention resources. Accordingly, it is imperative that effective coordination takes place between the Juvenile/Assaults Unit, Patrol, and the Community Services Division to ensure a swift and successful resolution to such occurrences.

ANALYSIS

When a violent act or a credible threat to commit a violent act occurs on a school campus (e.g. stabbing, shooting, weapons possession, a threat to harm school staff or the student population), appropriate personnel from the Bureau of Investigations and Bureau of Field Operations must be notified immediately. In addition, crime reports must be forwarded as soon as possible to the Juvenile/Assaults Unit, which has the primary responsibility for investigating and tracking such cases.

ORDER

Effective immediately, all sworn personnel will make the following notifications when investigating incidents involving a serious violent act or the credible threat to commit a serious violent act on school campuses:

- Weekdays 0800-1700: The Juvenile Unit (X4781) and Community Services Division - Police School Coordinators (X5263 or 277-5555) will be notified without delay.
- Non-business hours/weekends: Night Detectives and Police-School Coordinators will be notified through Communications (or 277-5555).
- Copies of all JCRs and crime reports related to any such incident will be routed to the Juvenile Unit Supervisor as soon as possible (currently Sgt. Ron Gaumont).

WILLIAM M. LANSDOWNE
Chief of Police

WML//DK

GENERAL POLICY REGARDING LAW ENFORCEMENT PERSONNEL ON CAMPUS

PREAMBLE

Whereas, the District finds it desirable to employ, request the assistance of, or otherwise cooperate with the services of professionally trained law enforcement officers; and

Whereas, the ultimate goal of such cooperation and the primary purpose of this policy is the safety of the student body, staff and visitors in the school: and

Whereas, it is the further purpose of this policy to assure the peaceful and orderly school environment which this Board finds is prerequisite to effecuve education,

DECLARATION OF POLICY

Now therefore, it is declared to be the policy of this District that cooperation between the schools, police and security personnel necessary to achieve the purposes of this policy is hereby authorized

GOVERNING PRINCIPLE

Such cooperauon shall be primarily judged by the reasonableness of the actions and judgments of the various parties determined according to what was known or reasonably should have been known to them at the time of any incident.

It is further decreed and declared that knowledge of technical legal principles shall not be required of any of the parties except insofar as such knowledge is otherwise required in the ordinary performance of their duties or insofar as such principles are otherwise set forth elsewhere in this policy. *The standard for reasonableness required by this policy is that the action taken is one that an average, reasonable, prudent person might have chosen.*

CONSTRUCTION

All items set forth herein should be interpreted in the light of the purpose of this policy and should, when it is reasonable to do so, be interpreted as guidelines for the implementation of the policy and not as limitations on the power and authority granted.

DELEGATION OF AUTHORITY

When an imminent threat to the safety of students or staff occurs, and for the duration of the specific incident, law enforcement officers are, unless they are specifically told otherwise, authorized to act as agents of the District for the purpose of insuring safety. They may assume the same authority in dealing with students that an administrator of the school would have in such situations.

Police officers whose regular duties involve working on the campus under an agreement of employment or under a compact between the law enforcement agency and the District, or who are members of a District Police Department, shall have the authority set forth in the preceding paragraph. At all other times police officers, while welcome on campus, have only the authority granted to them by the laws of this state.

For purposes of this policy, "police officer" includes any person granted power by statute to make an arrest, excluding citizen's arrest. A "campus security officer" is a person employed by the District but who is without statutory arrest power. For all purposes, a campus security officer is an employee of the district whose authority is that granted elsewhere in district regulations, unless a different intenuon is stated herein.

STATEMENT OF STUDENT RIGHTS

It is the constitutional right of each and every student to have available an opportunity to be educated by the District without charge in a fashion reasonably calculated to allow the student to make significant educational progress. Such right is not an absolute right and may be forfeited by the student when cessation of educational services would otherwise be proper under the Educational Code or under any other applicable principles of law. It is the specific policy of this district to accommodate the needs of children with disabilities while treating such students in the same fashion as other students would experience whenever academically and socially possible. Under no circumstance will the District tolerate criminal activity from any student.

In furtherance of their educational opportunity, all students have a right to a reasonably safe educational environment and to an atmosphere conducive to learning. Each and every student shall be treated with fundamental fairness in all matters and shall be afforded that degree of privacy feasible in the face of the overall responsibilities of the District.

The District recognizes that when the rights of the individual conflict with or jeopardize the rights of the student body in general, or when strict adherence to rights of the student would endanger the student or any other person, it shall be the policy of the district to choose safety as the paramount concern and the rights of the individual shall yield to the degree necessary.

ORDINARY SCHOOL DISCIPLINE

It is specifically understood and declared that it is not the intent of this policy to involve police officers as informants witnesses or informants regarding ordinary campus disciplinary infractions. The decision to become involved or to refraind is solely within the discretion of the officer.

The foregoing notwithstanding if as the result of a disciplinary infraction, an officer has reason to believe that any student, including a suspect student, staff member or other person is in danger as the result of the suspect student's activity, the officer shall be authorized to take such action as is reasonable to minimize or dispel the danger.

STUDENTS WITH DISABILITIES

When dealing with a "child with disabilities" as that term is used in Federal education law, a police officer knowing of the student's status shall exercise only the authority granted by statute to police officers of this state and should not assume any delegation of school authority.

Notwithstanding the prior sentence, the officer may, at the express request of an authorized educator, act as the agent of the educator in restraining or searching such a student. The fact of such request for assistance shall be recorded as soon as is reasonably practical after the incident.

SHARING OF INFORMATION

It shall be the policy of the district to preserve the confidentiality of student records upon inquiry by the police except in one or more of the following circumstances:

a. police represent to the educator or the educator is aware that a clear and present danger exists that violence may result if no action is taken, and that the information sought is necessary to prevent such violence.

b. police represent to the school administrator that danger of physical harm to some person exists and that the information sought is necessary to the prevention of injury or for medical assistance.

c. the school administrator reasonably believes that the student's suspected activities off campus, if true, make it probable that there will be a future threat to the order and discipline of the school, e.g., a violent assault off campus or dealing of drugs off campus, and that by disclosing otherwise confidential information to law enforcement authorities, the danger to the campus can be minimized or eliminated.

d. the school administrator reasonably believes that the student about whom the information is requested is in danger; that the police are a proper agency to attempt the protection of such student, and the information reasonably relates to that purpose.

e. the student is known to be a member of a gang organized as a criminal conspiracy, whose principles defy school regulations and pose a threat to order, discipline and safety.

In any of the above instances, the administrator may divulge information to the law enforcement authorities without notice to or permission from parent, guardian or the student. The fact of such disclosure shall be made a matter of school record along with the reasons therefor, but such records shall be kept confidential at the request of the law enforcement authorities if it is represented to the administrator that to do otherwise would jeopardize an ongoing police investigation.

Information furnished to police shall be in such form as the administrator chooses. All other confidential

matter shall be disclosed to police only under subpoena or with the permission of one authorized to waive confidentiality

QUESTIONING STUDENTS

The decision to produce a student for questioning by police shall be within the sole discretion of the school administrator taking into account the following factors:

1) is the urgency of the situation sufficient to outweigh the interruption of the child's educational process

2) is the child's emotional state such that protective action is necessary, such as summoning a parent, to prevent the child from being unduly traumatized

3) is there danger to a student or staff member which can be alleviated by the immediate production of the student for questioning

4) is the student likely to be endangered if it becomes known that the student has been interrogated by police, and, if so, what protective action is being taken

5) would it be advisable to contact parents first

6) will delay promote the possibility of further criminal activity by this student or someone else

It should be understood by a school administrator who decides to produce the child for questioning that the school administrator may not be an adequate stand-in for parents since the goal of school safety may be adverse to the legal rights of the student in question.

Notwithstanding the above, if a police officer indicates a demand, notwithstanding school objection, to have the child produced, the demand shall be met by the school. The event should be fully documented and parents should be notified at the earliest practicable time unless the officer has requested that they not be notified. In the latter instance, immediate notice should be given to the Office of the Superintendent.

Also notwithstanding any of the above, a probation officer seeking access to a student should be given immediate access, as should a police officer or an authorized state employee conducting an investigation into alleged abuse or neglect.

STANDARDS FOR DOCUMENTATION

The Superintendent of Schools shall set forth requirements for documenting the activities of police officers on campus including the proper distribution and maintenance of records generated in furtherance of such requirements.

Penal Code Section 830.1 - Law Enforcement Interviewing or Removing Students from School Campus

A. Law enforcement authority extends to any school in California. Law enforcement officers may be summoned to a campus or may come of their own initiative. They do not need permission to enter school grounds, and school officials must not hinder or resist law enforcement officers in carrying out their duties on campus. (Penal Code Section 148) Police authority on campus does not depend on the jurisdiction, or lack of jurisdiction, or the presence of school security or school police officers. (Ed. Code 39670; Penal Code Sect. 830.32) As a matter of courtesy and consideration to school officials, uniformed officers should make every attempt to notify the proper school officials of their presence and purposes to reduce the disruptive effect of the officer's presence on campus. Law enforcement officers share common concerns with school administrators - the welfare of students, the safety of the school environment and the safety of the community. These common concerns are the basis of mutual supportive relationships among all parties.

B. Law enforcement officers have the right to come on campus to interview students who are suspects or witnesses of a crime. School officials do not have the right to demand to be present when the police interview the student. However, a student who is a victim of child abuse does have the right to request a school staff member be present during an interview at school. (Penal Code Sect. 11174.3) In addition, parental permission is not legally required to authorize the interview or removal of the pupil. [(54 Ops. Cal Atty. Gen. 96 (1971), 34 Ops. Cal Atty. Gen. 93 (1959)]

Law enforcement agencies have a duty to protect the public. Thus, school officials should not interfere with the release of a student to law enforcement officers. School officials should act with care when releasing a pupil to law enforcement for removal from the campus. School officials should check the identity and credentials of the law enforcement officer, the authority under which he or she acts, and the reason for the removal of the student. [54 Ops. Cal Atty. Gen. 96 (1971)] Parental permission is not legally required to authorize the removal of the student. The principal or another school official should immediately notify the parent, guardian or responsible relative of the removal of the student, the reason for the removal and the place where the minor was taken. (Ed. Code Sect. 48906)

The only exception to this notification requirement is when a student (minor) has been taken into custody as a victim of suspected child abuse as defined in Section 11165.6 of the Penal Code, or pursuant to Section 305 of the Welfare and Institution Code.

In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent or guardian, or responsible relative that the minor is in custody and the place where he or she is being held. If the officer has reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The

officer shall, however, inform the parent or guardian or responsible relative, whether the minor requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing. (Ed. Code Sect. 48906)

SEARCHES AND SEIZURES BY SCHOOL OFFICIALS

The California Administrative Code of Regulations charges school officials with the "moral conditions of their schools" and specifically charges them to eliminate gambling, immorality, profanity and the use or possession of tobacco, intoxicating liquor, narcotics or other hallucinogenic or dangerous drugs, or substances." The Fourth Amendment to the U.S. Constitution places some limits on the conduct of public school officials, if the search is unreasonable under the facts and circumstances of the particular case, any contraband or criminal evidence discovered will be inadmissible in a criminal proceeding. It is necessary that the search be initiated only when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated either the law or the rules of the school. New Jersey v. T.L.O.

I. Searches of Students

In the case of In Re Fred C 26 Cal. App. 3d 320(1972), the vice principal of Crawford High School received information that Fred C, a 17-year-old student at Crawford, had been selling dangerous drugs on campus that morning. When Fred C was called into the vice principal's office, the vice principal noted the pockets of Fred's Levis were bulging and a pouch was tied to his belt. When asked what he had in his pockets and in the pouch, Fred removed the pouch and exhibited its contents, which was $20, but refused to reveal the contents of his pockets; he resisted an attempt by the vice principal to search him. Police officers were called and, at the request of the vice principal an officer conducted a search of Fred C. Dangerous drugs and marijuana were discovered in a pocket. (Court ruled this a valid search).

II. Searches of Student Lockers

School officials are justified in searching student lockers if the search is within the scope of the school's duties and the search is reasonable. In the case of In Re Christopher W. Cal. App 3d 777 (1973), four students informed the assistant principal of a high school that a sack of marijuana was in locker B-51. He opened the locker with a master key and found a sack of marijuana. Christopher W. was confronted with the evidence and confessed that he had bought marijuana at school from a non-student.

The Appellate Court ruled that his search was perfectly proper. Prevention of the use of marijuana was clearly within the duties of school personnel and the action taken - the verification of the report by opening the locker - was reasonable.

State schools get legal boost in battle against violence

A California Supreme Court ruling gives the state's educational authorities greater power to stop and question students, without needing any specific suspicion of wrongdoing.

By Howard Mintz
Mercury News

Mindful of growing concerns about school violence, the California Supreme Court on Monday gave school officials broader authority to stop, question and investigate students without specific evidence of wrongdoing.

In a unanimous ruling, the Supreme Court declared that school officials do not need "reasonable suspicion" of criminal activity or a violation of a school rule to detain and question students on public school grounds, extending the power of school administrators to police their turf. The justices found that students' rights are protected as long as they aren't stopped and questioned in an "arbitrary, capricious or harassing manner."

The ruling rejected the arguments of civil liberties advocates, who maintain that such stops were unconstitutional and gave school officials too much power at the expense of student rights. The decision comes amid a growing debate over how far school districts can go in their intensified efforts to stem school violence in the wake of school shootings across the country.

"The government interest at stake is of the highest order," Justice Marvin Baxter wrote for the court, which found that school officials need broad authority to maintain "school discipline and order."

See **STUDENTS**, *Back Page*

STUDENTS | Ruling gives more power to schools

ntinued from Page 1A

Until Monday's ruling, most legal battles have ntered on student searches. The courts have nd that school officials must have reasonable spicion of wrongdoing to search a student on hool grounds, but that hasn't settled the issue rlier this summer, the American Civil Liber- s Union sued the Los Angeles Unified School strict for randomly searching students.

But no state Supreme Court in the country d previously addressed whether school offi- ls, or their hired security officers, could ques- n or investigate students without any specific idence, a tactic school officials say helps them ort-circuit problems before they occur.

"In a broader sense, you've got to have ough flexibility to anticipate something may coming down," said Larry Aceves, superin- ident of San Jose's Franklin-McKinley hool District. "If you have to go around get- g a subpoena to question a kid, you're going be in trouble."

Randell Erving Jr., 17, of San Jose said an en- ronment of bomb threats and other dangers akes the ruling understandable. "But it's still rong," he said. "What they're saying is that all ens are bad people and have no rights. It akes teens feel like you don't trust them."

Randell, who attends Accel Middle College, a ogram for high school juniors and seniors in e East Side Union High School District in co- eration with Evergreen Middle School, inks some students will applaud the ruling.

"There are a lot of students who don't feel safe at all, and all they want is to be in a safer environment," he said.

The California Supreme Court ruling stemmed from an incident two years ago at Los Angeles' Montebello High School, where a 14-year-old identified only as Randy G. was stopped by a campus security officer and questioned before being arrested for illegally possessing a knife on school grounds.

According to court records, the security officer questioned the boy because he was acting "paranoid and nervous." The youth later agreed to let the officer search his bag, which contained the knife.

A lawyer for the youth, joined by the ACLU, challenged the search, saying it violated the Fourth Amendment because the original detention was unjustified. Robert Gerstein, the lawyer for Randy G., said he is considering an appeal to the U.S. Supreme Court.

Robert De Koven, a law professor at San Diego's Western School of Law and an expert on student rights, said he found the ruling troubling because it did not differentiate between school officials, such as teachers and administrators, and security officers. De Koven said the Supreme Court was opening the door for school security officers to conduct random interrogations and searches, even though they are often aligned with police who would not be allowed to do the same.

"The message I'd send to parents is: Do you really want students pawed by school security guards?" De Koven said.

California's school districts and Attorney General Bill Lockyer's office defended allowing school officials to question students without a reasonable suspicion, saying it is a necessary tool in today's campus environment.

"I think what we have here is an accommodation," said Deputy Attorney General Richard Moskowitz, who represented the state in the case. "It allows school administrators to undertake reasonable investigations and question students and detain them if necessary, but it doesn't allow them to arbitrarily stop students or harass them."

vil liberties advocates maintain that ich stops are unconstitutional and ve school officials too much power at e expense of student rights.

San Jose Mercury News

Opinion

In an era of school violence, it was sad but necessary for state justices to broaden security guards' power to question students

Safety first

Editorial
The opinion of the Mercury News

THE California Supreme Court has handed school guards broad power to stop and question students, even if the security officers have only a hunch that the young person may be misbehaving.

There's nothing to celebrate in this unanimous decision. Instead, it's sad but necessary in an era of high-profile outbursts of school violence, from Columbine to Santee.

No doubt, parents and many students worried about campus safety will find comfort in the court's action. But that comfort comes at some cost to the right of well-behaved students to be left alone by security guards now common on campuses across California.

Nonetheless, the court was right to reject the contention that the law enforcement model of reasonable cause for suspicion ought to be applied in schools.

Schoolchildren never have enjoyed the full protection of the Fourth Amendment, which prohibits unreasonable searches and seizures. In 1965, the U.S. Supreme Court said that different rules apply in schools.

For example, educators do not need warrants to search children suspected of wrongdoing. The justices reasoned that warrants would interfere too much with "the swift and informal disciplinary procedures needed in schools."

That makes sense. Even so, Monday's decision by the state court scales back a student's protection against unreasonable seizures. Before the ruling, it generally was agreed that guards needed to have "reasonable suspicion" that the student was violating the law or breaking a school rule before detaining the young person.

But the California Supreme Court concluded that stopping and questioning a student is constitutional as long as it isn't arbitrary, capricious or meant to harass. This is a much lower standard, and one that will lead to more students being detained.

Justice Marvin Baxter said the state court has never deemed that "stopping a student on school grounds during school hours, calling a student into the corridors to discuss a school-related matter or summoning a student to the principal's office for such purposes to be a detention within the meaning of the Fourth Amendment."

That, too, makes sense. But Justice Baxter's opinion is ripe for appeal to the U.S. Supreme Court.

wife of the late Jim Garcia Sr. Lovino

WALT HANDELSMAN — NEW ORLEANS TIMES-PICAYUNE

Here's why. Past court cases have involved teachers and principals. Judges can't and don't expect educators to know the intricacies of Fourth Amendment jurisprudence. School officials must be permitted to supervise and discipline students without worrying that every encounter will turn into a court case involving the Constitution.

The state justices correctly outlined the problems of requiring educators to have "reasonable suspicion" before detaining and interviewing students over possible criminal activity. Such a standard would force teachers and administrators to "conduct surveillance, traditionally a law enforcement function, before questioning a student about conduct which poses a serious threat to the safety of the students for whom they are responsible."

Agreed. But are educators the same as security guards, who often are trained in law enforcement and have close ties with the police? Monday's case involved school guards, not teachers and principals. Baxter's 15-page opinion glossed over this distinction with a single paragraph. "The title 'security officer' is not constitutionally significant," Baxter curtly noted.

Maybe so. But we suspect that the U.S. Supreme Court ultimately will have to decide if that's true on school campuses. And Baxter's opinion will provide them little guidance.

Despite this shortcoming, we hope the state court decision will hold up on any appeal. It recognizes that public schools need to be aggressive in reducing campus violence to protect the children placed in their care.

Strip Search Vs Body Search

Due to a potential conflict between school officials and the police, I believe some clarification should be given to the very distinct differences between a strip search and body search. First of all a strip search is defined by Penal Code Section 4030(c) as a search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person. This type of search should not be confused with a body search, which is less intrusive and is the removal of clothing without losing modesty to avoid the searcher touching the body. If the child refuses, the right not to have the body touched has been waived. The "pat down" method can be employed but the touching of the crotch and breast area over the clothing should be done only with the highest level of reasonable suspicion. (Law Advisory) The "pat down" search is conducted over the clothing and is a pretty standard method of searching conducted by the police.

As stated in Education Code Section 49050, a strip search of a student is not authorized under school authority or by police acting under school authority. At no time should school officials view the undergarments, breast, buttocks, or genitalia of a student. Violation of the strip search laws can result in criminal prosecution of the person performing the search, permitting the search and an unauthorized person who is present during the search.

Police acting under the authority of the penal code may conduct a strip search incident to arrest of a juvenile for felonies or offenses involving weapons, controlled substance or violence. The police department policy states only an officer of the same sex may strip search a subject and under no circumstances is any officer to touch the breasts, buttocks, or genitalia of the person being searched.

As a representative of the San Jose Police Department, I would strongly recommend you obtain the assistance of a San Jose Police Officer in determining whether or not a legal search can be conducted of a student. In most cases common sense will determine if sufficient cause exist for a search. Remember, the more intrusive the search the higher the standard of reasonable suspicion required to conduct the search.

The school standard for search is reasonable suspicion and the police acting independent of any school authority must have probable cause. The courts have not clearly defined the differences and only have given guidelines for the key elements of each. The best definition provide by the court is in Georgia v. Combs(1989 Georgia Appellate)382 SE2d691 which states: "It is probable cause when articulable facts themselves lead to a high degree of certainty of a person's guilt or that a search will yield evidence indicative of guilt or involvement. "Reasonable suspicion occurs when the average reasonable person, from a combination of articulable facts and experience, feels that the degree of intrusion is warranted by the relative likelihood that evidence will be found."

Source: The Law Advisory Group, Inc. "Safety, Order and Discipline in Schools"

AUTOMOBILE SEARCH POLICY

It is not necessary to rely on State Education Codes or Penal Codes to control school property. The control of a school parking lot, while a governmental operation subject to "limited open forum" rules, also has many elements of proprietorship. Since schools are not completely public buildings, their parking lots are subject to the same safety-related rules to which the buildings can be subjected. From a real estate point of view, safety considerations aside, the owner can establish such rules and conditions for use of the facility as are consistent with law. In the case of a government owner, the conditions may not arbitrarily or capriciously infringe on the constitutional rights of lawful users.

A policy authorizing search of automobiles choosing to use the school parking facility, whether or not those automobiles are student owned, may be adopted if the policy meets all of the following criteria. The policy must:

1. Pertain to an actual safety-related problem. This is seldom going to be an issue.
2. Be reasonable in its approach to the problem.
3. Be uniform in its application; that is, non-discriminatory.
4. Otherwise conform to constitutional concepts.
5. Be published or announced in such fashion that a person wishing to avoid its impact may take alternative action such as parking elsewhere or removing all articles from the vehicle which might prove embarrassing to the occupants.

Announcement of such a policy is best accomplished by posting the following sign at all entrances to the lot. It will then apply to students, teachers and visitors alike. This sign-policy is known to have been successfully used and defended in trial courts in Pennsylvania, Ohio, Florida, Illinois, California and Texas. There is no known appellate law dealing directly with it although it was tacitly upheld in appellate courts in Illinois and Florida in cases which were decided on other grounds. The concept was first developed in the Allentown, Pennsylvania school district in 1973.

The sign should be displayed in a fashion normally prescribed for parking control signs in the jurisdiction in which it is used. The sign would read:

WISDOM IN APPLICATION

Under the philosophy stated by the U.S. Supreme Court in the *Sitz v. Michigan State Police* case set forth in the book, there must be room for the person becoming aware of the policy to avoid the search. Therefore, one who turns the car around upon viewing the sign probably should not be subject to search.

WARNING
VEHICLES SUBJECT TO SEARCH

Any vehicle entering this area is subject to search by school authorities and law enforcement personnel working with them. Such search may be conducted without warrant for any reasonable purpose.

Search of the vehicle includes all compartments and components thereof. Once search begins, the person in control of the vehicle will not be permitted to remove it from the premises during the reasonable duration of the search.

Furthermore, under the principles of selective enforcement, the sign probably should not be used in connection with cars actually driven by parents for legitimate on-campus business including picking up and dropping off children. While it apparently would not be automatically illegal to use it, the public relations problem is immense.

Due to labor law considerations, searching a Board employee's car may infringe the labor contract.

Threats and Disruptions in the Classroom and during School Activities

As a result of discussions with police officers working in schools and with school administrators, there seems to be a need to provide some clarification as to the appropriate laws to be applied during the enforcement of threats and disruptive behavior in the classroom or at an after school activity. This disruptive behavior includes students and unruly parents who may make threats against school officials. Many of the threats against school officials do not always meet the standard of the law as defined by sections 71 and 422 of the California Penal Code. This is due to the fact the two sections have very specific requirements as to what constitutes a threat under very specific circumstances. In most situations, if there is no specific threat and the behavior is mostly disruptive a misdemeanor arrest may be made under Education Code Section 44810 or 44811.

Section 71PC – Threats against a school official - The person making the threat must have the intent to cause a person to do, or refrain from doing any act in the performance of their duties by means of a threat, directly communicated to a person to inflict an unlawful injury upon any person or property, and it appears to the threatened person, the person making the threat is able to carry out the threat. In short, if the threat has no bearing on you job duties as a school official, there is no violation of the law.

Section 422PC – Terrorist Threats – Any person who willfully makes a threat to commit a crime against a person that would result in death or great bodily injury and the specific intent of the statements made must be taken (by the victim) as a threat even if there is no intent to carry out the threat. The threat must be unequivocal, unconditional, immediate and specific as to convey a gravity of purpose and an immediate prospect of execution of the threat, and cause the person threatened to be in sustained fear for their safety or their immediate family's safety. Immediate family is defined as any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who within the prior six months, regularly resided in the household.

-Definition of "Consanguinity" is a person of same blood or origin, a close relation or connection. "Affinity" is a relationship by marriage.

In short a terrorist threat is not only based on immediate and specific intent to cause great bodily injury or death, it is based on the perceptions of the person threatened that the threat has credibility and not on actions or intent of person making the threat. Although, the threat must contain certain elements to be a violation of the law, it is not a defense for person making the threat to say they were not intending to carry out the threat. The "I am just kidding defense."

As you can see these two laws do not always apply to what happens in the classroom or at school events. Most situations involve the use of abusive language, obscene comments or lower level threats to do physical harm that do not constitute great bodily harm or death. Although these disturbances may apply to 415 of the penal code, which is the

basic disturbing the peace laws, it may be more appropriate to use the Education Code Section 44810 or 44811.

Education Code Section 44810 – Willful interference with Classroom Conduct – Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully, interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person is guilty of a misdemeanor.

Note: This does not apply to a student of the school where enrolled as a student.

Section 44811 E.C. – Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is subject to a misdemeanor violation of the law. Any person can be a student or staff whose behavior disrupts class work or extracurricular activity. The behavior can be loud threats, use of obscene language or gestures intended to be disruptive. Therefore, this section may be appropriate in those situations that do not meet the standards of the more serious offenses. As of the year 2000, both sections of the Ed. Code law have been increased in punishment with a first conviction punishable by a fine between $500.00 and $1000.00, up to one year in jail, or both fine and imprisonment. Additional convictions can result in higher fines and a jail sentence. This section does not apply to any otherwise lawful employee concerted activity, including but not limited to, picketing and the distribution of handbills.

It is the decision of the District Attorney to prosecute any law violation and the strength of the case will be based on the information provided to the police for review by the District Attorney. Assistant District Attorney Marc Buller of the Santa Clara County District Attorney's Office is an advisory member of the City of San Jose Safe School Campus Initiative program and he provides all legal interpretations for the purpose of this training.