

***American Civil Liberties Union – Southern California
Pasadena/ Foothills Chapter***

*P. O. Box 90041
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November 3, 2008

Councilmember Jacque Robinson
City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91109

CITY OF PASADENA
OFFICE OF THE
CITY CLERK

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RECEIVED

Re: Recommendation that City of Pasadena and Board of Education Delay Consideration of the Proposed Expansion of the Memorandum of Understanding between Pasadena Unified School District and Pasadena Police Department Until An Evaluation of the Existing Program is Available, Student Safeguards are Implemented and Appropriate Parental Notice Procedures are Put in Place

Dear Councilmember Robinson:

The Pasadena Unified School District (PUSD) Superintendent and the Police Department propose that the armed police presence on public high school campuses be expanded to include two of PUSD's four middle schools. The American Civil Liberties Union-Southern California, Pasadena/Foothills Chapter (ACLU) recommends that the City of Pasadena and the PUSD Board delay consideration of this proposal until:

1. An evaluation of the effectiveness of the existing program that has operated for two years in the high schools. PUSD PPD staff, as well as community members and parents should be included in this evaluation.¹

¹ At a minimum, the evaluation should take into account: i) The educational benefits and drawbacks of the existing program, including an analysis of the available research on the effects of having armed uniform officers routinely in an educational environment; ii) The available research on alternatives to violence approaches in comparison to the routine presence of police on campuses; iii) The nature and length of the criminalization/youthful offender status on students, broken down by race, gender, income and as well as the ramifications on the subsequent education opportunities for students who are arrested and paroled or otherwise released and those who are arrested and incarcerated; iv) Of the students taken into custody, the number and disposition of students who were questioned and subsequent to questioning advised of their right to remain silent; the disposition of these students; v) Of the students taken into custody, the time and nature of the notification given to parents that their children:

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10. B.

2. Procedures be implemented to insure that parents of the students under investigation for serious infractions, e.g., offenses that could result in suspension, expulsion or arrest, be notified before their children are questioned by school or police officials. Parents should be advised of their right to be present during the questioning of their children and that their children have the rights to be silent and access to an attorney. Any questioning of students being investigated for such serious infractions should be held in abeyance, if a parent desires to be present.
3. Procedures be implemented to ensure that students under investigation for serious offenses as outlined above, be notified *before* such students are questioned, even informally. of their rights to: i) Have their parents/guardians present during questioning; ii) Remain silent and iii) Have an attorney.
4. It is articulated what roles the PUSD security and administrative staff are to play prior to the involvement of the police.
5. Plans are adopted to implement a program during school year 2008-2009 to educate parents and students generally of their rights with respect to police activities on public school campuses.

Background

PUSD held two community meetings related to the proposed expansion. The report of these meetings set forth numerous parent/community concerns and 33 questions. While the questions were included in the report, the oral answers provided during the meetings were not set forth. There were 12 recommendations from the community made during these meetings; there was no discussion of, or response to these recommendations made by PUSD or PPD staff during these meetings. The staff report to the Board does not address how, if at all, to address these community recommendations.

The disproportionate number of Latino and African American youth who are being criminalized is an especially critical issue and the “school to prison” pipeline is another major concern nationwide. ACLU is anxious to work with PUSD and PPD to ensure that Pasadena’s middle and high school students are not unwittingly caught up in such unfortunate trends.

Recommendation

There is no need to engage in an uncritical expansion of this program at this time. ACLU is convinced that it is possible to create safe school environments, while protecting students from unwarranted and discriminatory criminalization. Without further analysis and documentation, PUSD and Pasadena officials cannot assess if the proposed MOU strikes the appropriate balance between safety and legitimate civil liberties/rights

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- i. Are at risk of incarceration
 - ii. Have the right to remain silent
 - iii. Have the right to counsel

concerns. On these bases, ACLU urges that before approving an expansion of the existing Memorandum of Understanding the PUSD, PPD and the City of Pasadena:

- Conduct an appropriate evaluation of the existing program
- Implement protections for students under investigation for serious infractions
- Commence rights and responsibility educational programs for students and parents
- Provide appropriate notice to parents of minors who are under investigation for serious infractions.

Respectfully submitted,

Michelle White
President

Cc: Peter Bibring
Miguel Cruz