

Black kids in Utah are arrested at 8 times their share of the population. This bill suggests a way to possibly change that.

HB345 would require school police officers to undergo training on cultural awareness.

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By Courtney Tanner

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Police officers who work in Utah schools should receive mandatory training in cultural awareness and how to de-escalate conflicts with students, a state lawmaker has proposed.

Rep. Sandra Hollins, D-Salt Lake City, believes requiring that instruction could help reduce the number of young people of color referred to the juvenile justice system in Utah, where they fill detention centers at disproportionate rates. And she'd also like the training to include how law enforcement can respond sensitively to students with disabilities, those experiencing mental health crises and anyone who has been exposed to trauma.

"We need to make sure our vulnerable kids are not going through that school-to-prison pipeline," she said Thursday during a committee hearing for her bill. "They are now. And we need to stop it."

HB345, which passed out unanimously and moves next to the House floor, strengthens previous legislation on the topic that Hollins drafted and which was signed into law in 2016.

With that bill, Hollins had instructed the Utah State Board of Education to draft a training program for school resource officers with some focus on policing without bias. But it was never required that officers participate. And the areas of training were "just suggestions," she said.

Hollins now feels that an officer should not be allowed to patrol the hallways of a school without such training.

Her new measure specifies several areas where she would like to mandate training, particularly around responding "age appropriately," in addition to understanding cultural backgrounds and respecting students of color, who are disciplined at higher rates both in Utah and across the nation.

A compromise to keep officers in schools

In the state, Black children make up nearly 12% of all secure care placements — though they represent just 1.4% of the school-aged population, according to data from the nonprofit Voices for Utah Children.

That's eight times more representation in detention centers than in the general public. And American Indian and Indigenous youth are sent to those centers at three times their population.

Overall, too, the proportion of arrests for young people of color increased from 30% in 2014 to 44% in 2018; at the same time, the rate for white youth dropped.

Hollins, who is the only Black lawmaker in the Utah Legislature, said she finds those trends concerning. And she added that they prove the school-to-prison pipeline is at play in Utah. Minority students here are being punished more than their white peers for academic infractions, such as truancy, or for fighting or other things that often get escalated to a criminal offense by the presence of police in schools.

She said her bill is a compromise to try to address the issues with resource officers and urge them to attempt other interventions first, before an arrest.

School personnel should try to determine if there's an underlying reason for a student's misconduct, such as issues at home, bullying or something else, she said. Some of those would likely be better addressed, for instance, with counseling than a citation, Hollins added.

With the recent focus on discrimination by police and the nationwide protests last summer following the death of George Floyd — a Black man who was killed when a white Minneapolis officer kneeled on his neck — Hollins said some groups in the state had wanted her to draft legislation eliminating all programs that allow law enforcement in schools here.

She agreed with local police agencies and school districts to not do that, for now. But there are examples of districts that have. The Los Angeles Unified School District in California significantly cut back their budget for school resource officers earlier this month and vowed to reinvest the money in supporting Black students.

Tom Ross, the executive director of Utah's Commission on Criminal and Juvenile Justice and the former police chief for Bountiful, said, "There was talk of doing that here. And we're not going to move forward with that."

Hollins invited Ross to speak during the committee hearing Thursday about the bill, which they collaborated on drafting. The measure says that the focus of resource officers in schools should be "developing and supporting successful relationships with students" — not punishment or enforcement. HB345 also requires that schools keep data on all policing on their property, including detailing the steps that an officer took before initiating an arrest or disciplinary action. Hollins hopes that data can shine more light on which students are interacting the most with police and why. That, she said, might prompt further action in the future. The data collection must start by July 1, 2023.

Do young students need officers around?

The bill faced more than an hour of debate, and some pushback for a provision that allows districts to have resource officers in their elementary schools.

Pam Vickrey, the executive director for Utah Juvenile Defender Attorneys, said she likes the required training. But she feels kids in grades K-6 are too young and don't need to be exposed to law enforcement. She also worries that kids under age 12 can be cited for crimes in Utah, and she believes there could be an increase in that with officers around.

Marina Lowe, the legislative and policy council for the ACLU of Utah, raised the same concern. She said there are "plenty of other opportunities to foster good relationships with law enforcement and kids" that don't require having officers on the playground.

Ross said the police are usually there to provide lookout and respond to the possibility of a school shooting, like what happened in 2012 at Sandy Hook Elementary in Connecticut, where 20 students and six teachers were killed. Most of the time, he added, an officer is only at an elementary school for a few hours a week — no elementary in Utah has one full-time — and they're often playing tetherball or four square with kids.

"It has had a huge benefit," he said.

Darin Adams, chief of police in Cedar City, where the department contracts with Iron County School District to provide officers, agreed. He suggested police in schools help mentor and counsel students, and "the value cannot be overstated."

Lowe countered that she's looking forward to seeing the data on elementaries "to demonstrate whether there are trends or patterns with [school resource officers,] whether there are more interactions with students of color" and whether "they are really needed there." And Hollins agreed to look at that and make changes.

Improving the response to kids

Natalie Cline, a member of the Utah State Board of Education, said she was worried that the bill would limit the power of police in schools. She said officers and teachers are being "disincentivized" under HB345 to file reports "out of fear of being labeled a racist."

Cline, who has been an outspoken advocate against teaching about race in the classroom, added that she believes the measure will embolden kids who act out and let them freely cause trouble because they won't be arrested. "You're really bringing the prison atmosphere into the school," she insisted. But Brett Peterson, the director of juvenile justice services in Utah, challenged that. He said there are "significant disparities" with vulnerable students who end up in the system, particularly those with autism or other mental health issues, just because of their circumstances. He said his staff is doing more to try to understand and take a "trauma-informed approach." "A kid acting out in school is not because they're a bad kid," Peterson added. "It's often because of some other challenge or chaos in their life."

Andrew Riggle, a public policy advocate at the Disability Law Center in Utah, said he appreciated that there would be training on how to respond to students with disabilities, who he believes often end up being confronted by police when they are experiencing distress. That comes after a 13-year-old boy with autism was shot by Salt Lake City police last year when he was having a mental health episode. Riggle said students with disabilities in Utah make up 12% of students. But they are 25% of the arrests by police, who he believes don't always know how best to respond. He called Hollins' bill "critical work" and said he'd like to see those students referred to mental health or special education services before police.

The bill also had the support of the Utah Sheriffs' Association, as well as Granite School District, which has had its own independent police department for more than 30 years.

Ben Horsley, the spokesperson for the district, said there are 12,000 calls for officers from schools in Granite in a year. One of the top reasons for calls are parents who are "out of control," such as custodial complaints or inappropriate behavior on campus, and not students, he said.

At the same time, he noted, there were "only a handful" of arrests of kids. The district has a majority population of students of color.