

INTRADEPARTMENTAL CORRESPONDENCE
Los Angeles School Police Department

NOTICE – 14-02

August 15, 2014

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT, CITATION AND ARREST PROTOCOLS ON SCHOOL CAMPUS AND SAFE PASSAGES

Effective: Immediately

BACKGROUND:

Vision Statement: The Los Angeles School Police Department (LASPD) is a progressive law enforcement agency committed at every level to show respect for all individuals and their rights; to uphold the law; to strive for excellence in service provision, always acting with the upmost integrity. We will be accountable to the standards set forth by our Department.

Purpose: The purpose of this document is to delineate and align police officer roles and responsibilities when enforcing minor law violations on campus and safe passages with the LAUSD School Climate Bill of Rights (SCBOR-Attachment 1). In furtherance of the SCBOR, this document contains clear guidelines regarding the roles and responsibilities of LASPD campus police officers when confronted with certain law violations by students, and establishes criteria to assist officers in properly distinguishing school discipline responses to student conduct from criminal responses. This document provides a matrix for officers to follow when a student has committed a minor offense on campus.

It is this Department's intent to seek a balance of intervention practices, especially as it relates to minor offenses (infractions or misdemeanors) of the law and to further support a non-criminal enforcement model that supports strategic problem-solving. This practice remains consistent with the Superintendent's 2012-2015 Strategic Plan for the LAUSD that espouses campus policing practices of "non-punitive" enforcement methods that support strategic problem-solving methods rather than citation and arrest-driven enforcement methods. This practice is also remains consistent with the District's Discipline Foundation Policy (Attachment 2) and the recommendations of the 2014 U.S. Department of Education's publication of *Guiding Principles -Resource Guide for Improving School Climate and Discipline*.¹

Expectation: While working for the LASPD, it is the expectation of all members of this Department to enforce the law using reasonable judgment and spirit of the law, while having the unique responsibility of working in an educational setting with youth and in partnership with educators, counselors and the various academic and social service providers on a campus setting.

¹ For additional guidance on the role of law enforcement at schools see the U.S. Department of Education and U.S. Department of Justice Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline and Appendix Recommendations for School Districts, Administrators, Teachers, and Staff, Section C, 'Appropriate use of law enforcement'.

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As a general guideline, police officers do not respond to routine school discipline matters unless there is an immediate nexus to student and or staff safety. Where possible, LASPD officers should strive to support opportunities for students to receive effective mentorship, learn from their mistakes, and to promote fair and proportionate responses to student behavior that maximize the student's continued engagement in the educational setting.

The LASPD is committed to work in partnership with the District, student and parent groups, community organizations, and additional stakeholders to continue to meet the goals and objectives of the SCBOR by identifying best practices for positive student outcomes related to school-based interactions with campus law enforcement officers. To that end, we will continue to review data on campus-based enforcement practices to further enhance positive student outcomes.

Enforcement: These guidelines apply to incidents that involve LAUSD students at LAUSD locations during the hours in which school is in session including "safe passages" to and from school.

Guidelines: *Mutual Cooperation between LASPD and LAUSD Administrators* - Every effort should be made to establish and maintain a relationship of mutual respect and cooperation between LASPD officers and school-site administrators. The goal of officers assigned to LAUSD campuses is to respond to matters pertaining to school safety, not to enforce school discipline or punish students.

These guidelines are intended to prevent the use of citations and arrests where possible, for minor offenses of the law that would more appropriately be handled by school administration. These offenses of the law will be referred to school-site interventions to promote a reasonable and graduated response to positive student outcomes.

PROCEDURES:

School Police Officers should follow the steps and guiding questions identified in this document before making an arrest, issuing a Citation or Diversion Referral for minor school-based violations. For other violations that are not listed in the LASPD Administrative Referral and Diversion Matrix, officers are highly encouraged to continue to utilize spirit of the law and the aforementioned steps, unless extenuating or other exceptional circumstances are present. If the situation is resolved at any point through the following steps and guidance, officers should follow the non-arrest, non-citation model (Attachment 3).

Step 1 – Evaluate the situation:

- Can the incident be handled through practices identified within the District's Discipline Foundation Policy?
- Are there restorative or other intervention practices on campus that could resolve the incident?

If so, refer the incident to school administration for school-site intervention.

- Does the incident require mandatory law enforcement notification under state law (Ed Code section 48902)?
- Considering all the surrounding circumstances, does this incident pose a serious and immediate threat to school safety?

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If the criminal offense requires mandatory notification to law enforcement, but does not rise to the level of a serious and immediate threat to school safety, it may, at the discretion of the officer, and based on the totality of the offense, be referred back to school administration or designated school official for resolution.

Step 2 – Communicate with the student:

- Can the incident be resolved with an approach that may include the officer utilizing positive dialogue to talk to the student about the incident and surrounding circumstances, issuing a verbal warning, or providing an opportunity for the student to self-reflect and deescalate the behavior?

Step 3 – Identify a graduated response to the incident that prioritizes a school-site administrative intervention when possible:

- Are there any underlying circumstances present that are better addressed through administrative responses?
- Can the incident be resolved by the officer, school-site administration or involving the student's parents or guardians?
- Can the incident be resolved by a school-site intervention or restorative practice model?
- Is it a first time incident?

If any of the above steps reveal that a school-site intervention or school discipline approach under the District's Discipline Foundation Policy can resolve the situation, the student should be referred to the school administrator or designated school official.




Step 4 – Issuance of a Diversion Referral:

If Steps 1-3 are not a viable option due to circumstances surrounding the offense, a Diversion Referral may be issued for identified offenses listed on the LASPD Administrative Referral and Diversion Matrix (Refer to Page 4).

LASPD Diversion Referral Matrix

Minor violations of the law listed below should be handled through school-site administrative referrals or Diversion Referrals as specified in the Guidelines. A Diversion Referral is optional and should be used as a graduated response. In most cases, students should be referred for "Administrative Referral" for a first-time incident.

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-  School-site Administrative Referral.
-  School-site Administrative Referral or Diversion Referral if repeat offender per LASPD Guidelines.
-  Diversion Referral or School-site Administrative Referral unless exceptions exist.

Administrative Referral and Diversion Matrix

Violation	Code Section	Action Taken (Ages 13-17)	Education Code Section	MiSiS Reason Code
Possession of tobacco and/or tobacco paraphernalia	308(b) P.C.	Administrative Referral unless directed otherwise by supervisor	Possessed or used tobacco. E.C. 48900(h); 48915(e)	3.6
Theft of property loss less than \$50 (District property)	490.1(a) P.C.	Administrative Referral unless directed otherwise by supervisor	Stole or attempted to steal school or private property. E.C. 48900(g); 48915 (e)	3.5
*Trespassing	602.8 P.C. and related municipal/county code violations	Administrative Referral unless directed otherwise by supervisor	Truancy during school hours. E.C. 48260 (a)	N/A
**Possession of marijuana less than 1 ounce (only if not found smoking)	11357(b) H&S 11357(e) H&S	Administrative Referral OR Diversion Referral if repeat offender	Marijuana possession for 1 st offense of < 1 oz. E.C. 48900(c); 48915(b)	3.2
Fighting	415(1) P.C. 415.5 (a) P.C.	Administrative Referral OR Diversion Referral if repeat offender	Caused physical injury to another person. Attempted to cause physical injury to another person. Threatened to cause physical injury to another person. E.C. 48900(a)(1); 48915(b)	3.1a 3.1b 3.1c
Minor in possession of alcohol	25662(a) B&P	Administrative Referral OR Diversion Referral if repeat offender	Marijuana possession for 1 st offense of <1 oz., or alcohol E.C. 48900(c); 48915 (b)	3.2
Vandalism less than \$400 damage (District property)	594(a) (1) P.C. 594(a) (2) P.C. 594(a) (3) P.C. 594.1(e)(1) P.C.	Administrative Referral OR Diversion Referral if repeat offender	Caused or attempted to cause damage to school or private property. E.C. 48900(f); 48915(e)	3.4
**Battery (see exceptions applicable to Battery diversion only)	242 & 243.2(a) P.C.	Diversion Referral or per discretion of officer, Administrative Referral	Willful use of force/violence not in self-defense. E.C. 48900(a)(2); 48915(b)	3.16

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*** Exceptions under which a Diversion Referral for PC §§ 242, 243.2 offenses would not meet criteria:

1. One of the combatants or victims has an injury requiring medical treatment by paramedics or emergency medical personnel.
2. Officer(s) step in and break up the fight using reportable force.
3. One or more of the combatants have a documented history of disturbing the peace or battery citation; and/or arrest, and has failed to complete a prior diversion.
4. The subject has a warrant.
5. The victim demands an arrest.

Note: A battery upon a police officer, safety officer or other school employee or official are described in other penal code sections and are not included as part of the mandatory diversion process. This does not preclude the ability for the diversion process to take place when the totality of circumstances dictates that a diversion referral would be beneficial. These incidents will be evaluated on a case-by-case basis.

** All marijuana violations SHALL include the assistance of LASPD for purposes of contraband recovery.

* Trespassing violations shall be referred to the Administration of the school at which the student is registered. Officers will follow the currently established "Daytime Curfew" protocols should a Diversion Referral occur.

Note: In the event that a student is on active, formal probation, officers should notify the probation officer of the incident and offer the option of a Diversion Referral in lieu of an arrest, when appropriate.

All incidents outlined in the Diversion Matrix will now be referred to a school administrator to handle ("Administrative Referral") at the school-site or will be addressed through a Diversion Referral to the FamilySource Center.²

For students 12 years and younger, officers are reminded to refrain from issuing citations, Diversion Referrals or making an arrest of young students who commit minor violations, pursuant to the LASPD Chief of Police directive Re: *Incidents Involving Subjects 12 Years and Younger* (December 1, 2013, Attachment 4).

Arrest on School Campuses: In an effort to minimize disruption to the learning environment, LASPD officers should consider the reasonableness of making an arrest or summoning a student for questioning when students are actively participating in classroom instruction.

² A Diversion Referral is defined as a referral to a FamilySource Center. However, LASPD may create additional partnerships with agencies with expertise in restorative practices, conflict resolution, and mediation.

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When considering whether it is reasonable to arrest or summon a student on campus, the officer should consider the following:

- The seriousness of the offense.
- Whether the arrest is able to be effected by other means.
- Whether there is an imminent threat to public safety.

Parental Notification: Officers are reminded to abide by Education Code Section 48906, when a student is turned over to the custody of a law enforcement officer.

Administrative Referral Procedure: The Diversion Matrix and the LASPD Guidelines Flowchart specifically outline guiding questions and a process for determining the most appropriate response to school-based incidents. If the officer resolves the incident by an Administrative Referral, school staff will handle the incident according to the District's Discipline Foundation Policy and the school site procedures established.

Diversion Referral Procedure: When an LASPD officer makes a Diversion Referral, the officer shall issue the student a Diversion Referral Form (Attachment 5) to a FamilySource Center location closest to the student's school of enrollment (Attachment 6). Officers shall inform the student that the student will be contacted by the FamilySource Partnership Program PSA Counselor for the date, time and location of the FamilySource Center appointment. Officers shall document "will be notified" in the date and time section of the Diversion Referral Form.

Note: Until the next printing cycle, officers shall utilize the current LASPD Truancy Diversion Referral Forms and strike out "Truancy" on the top of the form. Officers shall refer to the FamilySource Center list, Attachment 6, which is also available at each LASPD Division or the LASPD website, "Officer Login" section under "Forms" for referral to one of the FamilySource Centers. Do Not utilize the location sites on back of the current Truancy Diversion Forms.

Once a Diversion Referral is completed, and related reports are attached, officers shall generate a Call for Service (CFS) and School Police "SP" number with the Diversion Form number documented, and distribute the forms as follows:

- White (Original) to Supervisor (with related reports).
- Green copy – Student being referred to Diversion (Form only, no related reports).
- Yellow copy – Retained in Officer's Citation Book.
- Pink copy – School-based Administrative designee (Form only, no related reports).
- Goldenrod copy–LASPD Diversion Coordinator (with related reports).

An officer's completed Diversion Form shall be submitted or faxed (213.202.8676) to the LASPD Diversion Coordinator by the end of the issuing officer's assigned watch.

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Required Related Reports:

- For all 11357(b/e) H&S Administrative Referrals - Property Report, Property Receipt, CFS / “SP” number.
- For all 11357(b/e) H&S Diversion Referrals - Property Report, Diversion Referral form, CFS / SP number, Release From Custody (RFC) narrative and other related reports.
- For all 242, 243.2(a), and 415 P.C. Diversion Referrals – Diversion Referral form, CFS / SP number, RFC narrative and any other related reports.

LASPD Diversion Coordinator Procedures: The LASPD Diversion Coordinator will distribute the White (original) copy of the Diversion Referral Form and related reports to the appropriate LASPD Senior Office Technician (SOT) responsible for input and processing. The LASPD Diversion Coordinator will forward all related reports to the FamilySource Partnership Program Coordinator.

Protection of Due Process and Victim’s Rights: A Diversion Referral does not affect a student’s right to proceed through the court process and contest the charges. Officers shall explain to the student that he or she has a right to decline participation in a diversion program.

Supervisory Responsibilities: Supervisors are responsible for ensuring all personnel under their supervision are aware of the procedures outlined in this Notice. Supervisors are also responsible for reviewing and forwarding their approved Diversion Referral slips to the LASPD Diversion Coordinator for timely processing.

Diversion Coordinator Responsibilities: The LASPD Diversion Coordinator (or designee) will be responsible for compiling all Diversion Referral reports and related data for data reviews. Additionally, the Diversion Coordinator will be responsible for ensuring copies of the Diversion Forms are forwarded to the appropriate entities as directed in this Notice. The Diversion Coordinator will track and monitor each referral for status. Students who successfully complete the Diversion intervention at the FamilySource Center will not be cited. Students who do not complete the Diversion Referral intervention process at the FamilySource Center will have their paperwork forwarded to the LASPD Diversion Coordinator who will refer the case to the Los Angeles County Probation Department.

All questions regarding this Notice should be directed to the Office of the Chief of Police at (213) 202-4508.



STEVEN K. ZIPPERMAN
Chief of Police

Attachments