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Testimony Before the District of Columbia Council
Committee of the Whole
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Budget Oversight Hearing:
Metropolitan Police Department

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Good morning, Chairperson Allen, Committee Members, and Staff. My name is Danielle Robinette. I am a Policy Attorney at Children's Law Center and a former public-school teacher. I am testifying today on behalf of Children's Law Center which fights so every DC child can grow up with a stable family, good health, and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.¹

Thank you for the opportunity to testify today as part of the Committee's oversight of the budget for the Metropolitan Police Department. Through our work, Children's Law Center represents DC students who regularly face barriers in accessing their education. In our medical-legal partnership, we represent parents who are fighting for their child's right to access special education services and through our representation of children in foster care we see the myriad of challenges with educational continuity they face. Our testimony today arises from our experience representing students who are often furthest from opportunity.

As we have testified many times before, Children's Law Center believes that schools should be a safe space where students can learn and grow in a trauma-informed environment that supports their educational and socio-emotional learning goals.² (See Appendix for an explanation of our divest-invest strategy for creating positive school climates). Children's Law Center is also a member of the Police-Free Schools Coalition³

where we have heard directly from District young people regarding their experiences with police officers in their schools. A panel of youth testified before the Police Reform Commission and described how “instead of fostering safety in school, officers often escalate altercations, create a hostile atmosphere, and cause anxiety among young people by their mere presence, especially since they carry guns.”⁴ The Police Free Schools Coalition has been and continues to advocate for a school system where students can focus on their education instead of their safety and where police are no longer part of students’ every-day experience. The Coalition has consistently supported the elimination of MPD presence in schools and the increase of non-police school-based services.

The Council did not take this step lightly. The dismantling of the school policing infrastructure was a key recommendation of the Police Reform Commission.⁵ The Council heard at length from stakeholders and took an important step towards creating positive school climates by passing legislation that gradually phases School Resource Officers (SROs) out of public schools in the District by July 1, 2025.

In her FY23 Budget Support Act (BSA), Mayor Bowser proposes to repeal the statute requiring the SRO phase out.⁶ To do so would undermine the important work of the Police Reform Commission, this Committee, and the Council. We, along with the Police-Free Schools Coalition and other community advocates, submitted a sign-on letter to Councilmembers yesterday urging you to maintain your commitment to phasing police out of schools and to reject the Mayor’s proposed rollback of this important reform.

We commend the Committee for its past work to create safe and welcoming schools for DC students. Moving forward, we hope to continue working together to divest from traumatic and harmful practices and invest in programs and supports that have proven to support and help students thrive in school and in their communities.

Thank you for this opportunity to testify, and I welcome any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a stable family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

² See, e.g., *Metropolitan Police Department and Office of Neighborhood Safety and Engagement*, Budget Oversight Hearing Before the Comm. on Judiciary and Public Safety, D.C. Council, (June 10, 2021) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony_MPD-FY22-Budget-Oversight-Testimony.pdf ; *The Recommendations of the Police Reform Commission*, Joint Public Hearing Before the Comm. of the Whole and the Comm. on Judiciary and Public Safety, D.C. Council, (May 20, 2021) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony_Joint-Hearing-on-PRC-Recommendations_Revised.pdf ; *School Security in the District of Columbia and Public Charter Schools*, Public Hearing Before the Comm. of the Whole, D.C. Council, (April 21, 2021) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony_School-Security-in-the-District-of-Columbia-and-Public-Charter-Schools.pdf ; *Metropolitan Police Department*, Public Oversight Hearing Before the Comm. on the Judiciary and Public Safety, D.C. Council, (March 11, 2021), (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC_MPD-Oversight-Testimony_FINAL.pdf

³ DC’s Police-Free Schools Coalition comprises a variety of education stakeholders pursuing a youth-centered policy platform that seeks to divest from police in our schools and invest in the social-emotional health and wellbeing of youth including increased mental health supports; development and support for qualified teachers to reduce reliance on permanent substitutes; and violence interrupters within our schools and community.

⁴ Robert Bobb, et al., DC Police Reform Commission, *Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission*, 8 (2021), <https://dccouncil.us/police-reform-commission-full-report/>

⁵ Robert Bobb, et al., *supra* note 4, at 69.

⁶ See B24-0714 - Fiscal Year 2023 Budget Support Act of 2022 § 3032 (as introduced), *available at*: <https://lims.dccouncil.us/downloads/LIMS/49079/Introduction/B24-0714-Introduction.pdf>

APPENDIX



Testimony Before the District of Columbia Council
Committee on the Judiciary and Public Safety
June 10, 2021

Budget Oversight Hearing:
Metropolitan Police Department.
Office of Neighborhood Safety and Engagement

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Introduction

Thank you, Chairperson Allen and members of the Committee. My name is Danielle Robinette. I am a Policy Attorney at Children's Law Center¹ and a resident of Ward 6. Additionally, prior to law school, I was a public-school teacher. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health, and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

Children's Law Center appreciates the opportunity to provide testimony to the Committee as we examine the Mayor's FY22 budget proposal for the Metropolitan Police Department (MPD). Establishing the District's annual budget may be the Council's most important, and difficult, job. The budget funds the education of our children, supports our most vulnerable community members, and pays for the myriad services the District provides the public. The budget requires hard choices in allocating limited dollars to the needs of District residents. But come August, after the Council has given its stamp of approval, the budget will define our priorities and announce to the country who we are as a community. What will it say about us? Will it say, in the words of human rights advocate Pauli Murray, that we are a "true community ... based upon equality, mutuality, and reciprocity" – will it "affir[m] the richness of individual diversity as well as the common human ties that bind us together"?²

Executive Summary

Our testimony today outlines on a two-part strategy which calls for the divestment of local dollars from the MPD School Safety Division and the investment of those dollars into programs that create and reinforce safety in our schools. Our divestment position is drawn from the often-harmful interactions our young clients have had with police in schools. Our investment recommendations highlight programs and partnerships which are already in existence and currently operate to varying degrees within our schools and communities that offer concrete alternatives to police in schools. We urge the Council to eliminate MPD's School Safety Division (SSD) by zeroing out the \$12,398,000 and 116.0 FTEs allocated to the SSD in the Mayor's budget.³ Additionally, we offer our recommendations for reprogramming of these funds to various student and school supports that will facilitate this transition.

Our budget recommendations in brief:

- Eliminate MPD's School Safety Division by reducing both the \$12,398,000 to \$0;
- Eliminate any vacant FTEs currently in the SSD;
- Reassign filled FTEs to other divisions;
- Invest recovered funds into school- and community-based programs and supports that will improve school climate and safety, such as:
 - o Violence Interrupters
 - o Safe Passage
 - o Credible Messengers
 - o School-Based Mental Health
 - o The School Safety and Positive Climate Fund

Divesting from MPD's School Safety Division

A. Why Divest?

Over the past year, on top of a global pandemic, Black and Brown young people have seen time and time again that they cannot trust the police to keep them safe. Through social media and the news, they face constant reminders that they are likely to be treated worse by law enforcement than their white peers. These incidents of police brutality cause racial stress for all Black and Brown people. We believe that now is the time to reimagine what a safe and positive school environment looks like. We need to move away from the utilization of police in schools and towards a school environment that supports students.

We believe that schools should be a safe space where students can learn and grow in a trauma-informed environment that supports their educational and socio-emotional learning goals. According to MPD's annual school safety report, the goal of the School Safety Division is "to support a safe learning environment for all students."⁴ Unfortunately, these goals are undercut when students experience negative, even traumatizing, interactions with MPD officers, School Resource Officers (SROs), and contracted security guards during the school day.

Police are too often called when students are having behavioral difficulties. Children often have behavioral outbursts because of trauma they are experiencing outside of school and struggles that they face in school. Children who have become

emotionally dysregulated should be helped – not arrested. The response from adults should be to ask, “Why is this child acting out and how can we address the underlying concern?” – rather than to call the police.

Black and Brown children are disproportionately affected by this practice. Students with disabilities are also dramatically affected. National trends show that students with disabilities are nearly three times more likely to be arrested than their general education peers.⁵ When disability and race intersect the impact is compounded. SRO interactions with students with disabilities can be especially problematic. Because SROs are not school employees, they do not have access to a student’s Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP). This leads to police officers responding to a behavioral health crisis with little or no information about the child’s special needs, triggers, or preferred de-escalation strategies.

In addition, many children in DC have negative reactions to police based on their experiences in the community. Many have witnessed friends and family being arrested or hassled by police. For some students, the mere presence of police officers at school can be enough to trigger fear and past trauma. For example, a Children’s Law Center lawyer witnessed a child client withdraw and recoil into their sweatshirt after walking into a room at school with police present even though the police officers were not interacting directly with the client. For many students the regular presence of police in schools does not create a safe and secure learning environment. In fact, due to their negative and

traumatic experiences in their communities, the presence of police in schools creates an environment of fear and hostility for many students.

The cumulative effect of these school and community interactions, repeatedly highlighted by videos of police violence circulated on social media, is a sort of race-based traumatic stress⁶ that has no place in our public schools. In a recent essay published by the Stanford Law Review, Georgetown Scholar Thalia Gonzalez argues that “school policing is [] a public health issue because it sits at the nexus of two critical social determinants of health: education and racism. And that, at a minimum, it negatively affects Black students’ mental health, disrupts their educational attainment, diminishes their social supports (school-based protective health factors), and places them at heightened risks for justice-system involvement.”⁷ On December 1, 2020, the DC Council unanimously passed a resolution declaring “racism as a public health crisis.”⁸ Further, in that resolution, the Council expressed their sense that “[t]he deleterious effects of systemic racism in the District will not be reversed without significant budgetary investments in minority communities. Without these investments, the District will only be analyzing and measuring the problem of systemic racism, not solving it.”⁹ As such, the Council has already made a commitment to the Black and Brown communities in the DC to address the ways in which the budget perpetuates systemic racism – and to use the budget to reverse the damage already done. By redirecting local dollar allocations away from MPD’s School Safety Division and shifting those funds to critical programs like

school-based mental health, the Council has before it an opportunity to make good on its promise to use the budget to further racial equity in the District.

B. How to Divest?

After making a commitment to divest from programs that further – rather than ameliorate – the “deleterious effects” of structural racism, the Council must determine how to best dismantle this system of oppression. First and foremost, we urge the Council to eliminate the SSD by zeroing out the nearly \$12.4 million allocated to it in the Mayor’s budget. Additionally, we recommend that the Council eliminate any vacant positions from within the 116.0 FTEs allocated to the school safety division and reassign the existing personnel to other divisions within MPD. Subsequently, the Council should consider the number of FTEs reassigned from the SSD when evaluating the Mayor’s new investments in the police academy and cadet programs.

Additionally, we recommend that the Council examine the current DC Code for any references to the SSD that may become unfunded mandates were the division to be eliminated. We recommend that the Council include in the Budget Support Act a repeal of DC Code § 5-132.01 *et seq* which defines the position of SROs,¹⁰ establishes the School Safety Division within MPD,¹¹ and outlines the responsibilities of SROs in DC schools.¹² If the Council make a commitment to divest from the SSD and the over policing of Black and Brown students, the budget cut must be paired with the repeal of § 5-132.01 *et seq*.

As noted above, the Mayor’s FY22 budget proposes allocating \$12,398,000 and 116.0 FTEs to the SSD. In examining recent budgets for the SSD, the budget books show that the Division has seen substantial budget reductions since FY19.¹³ Importantly, however, the number of FTEs has increased by 414% over the same time span.

	Approved Budget	Actual Budget	FTEs
FY19	\$24,706,000	35,284,000	24.7
FY20	\$34,146,000	34,082,000	104.2
FY21	\$13,950,000	---	127.0

It is important to examine the full picture of school policing and the impact that these numbers have on DC’s young people. The local dollar allocation alone does not give an accurate picture of the history of school policing. Even while cutting budgets to the SSD, budgets over recent years have continually expanded the SSD and bolstered the near-constant police presence in the lives of DC’s Black and Brown young people.

As discussed above, the mere physical presence of police in school can have a traumatizing effect on students. As such, the elimination of the SSD must address both the funding of the division and the FTEs assigned to schools or clusters of schools. It is not enough to eliminate the SSD in name only. We must ensure that these officers are not continuing to patrol schools under the guise of something other than an SRO. We must invest our resources in programming and supports that will create positive climates and improve students’ experiences in schools. Below we provide a menu of investment

options that – individually and together – support a new vision of school safety that does not contribute to the criminalization of Black and Brown students

Investing in Safe Schools

In order for the transition toward police-free schools to be successful, the divestment from the SSD must be paired with investments in programming and supports that will improve school climates and create safe schools without a need for police. The below recommendations are based upon our experiences with and observations of programs that have been implemented to varying degrees in some schools across the District. Our recommendations include expansions of programs to support student behavioral health, alternative discipline practices, and professional development for teachers and other school staff. We have organized our recommendations by those within the jurisdiction of the Committee on the Judiciary and Public Safety and those that would require an inter-committee transfer. Our recommendations are consistent with those put forth by the Police Reform Commission in their final report.¹⁴

A. Intra-Committee Transfers

Violence Interrupters

The District's budget currently funds violence interrupter programs through the Office of the Attorney General (OAG) and the Office of Neighborhood Safety and Engagement (ONSE). These violence interrupter programs take a public health approach to addressing community violence by engaging with community members to peacefully

resolve conflicts, by identifying and treating those at highest risk of committing violent crime, and by changing community ideas around the normalization of violence.¹⁵ They do so by employing credible individuals with ties to the community.¹⁶ These violence interrupters conduct community events and trainings, and work within the community to learn about and help resolve potential conflicts.¹⁷ The OAG's violence interrupter program, Cure the Streets, is currently working in six neighborhoods within Wards 5, 7, and 8.¹⁸ Between January 1 and August 1, 2020, Cure the Streets responded to 13 violent incidents and mediated 107 conflicts, helping community members involved in those conflicts reach a peaceful outcome, rather than a violent one.¹⁹ ONSE's violence interrupters are embedded in at least 20 neighborhoods, where they have negotiated at least five cease-fires and connected more than 130 individuals to resources after violent events.²⁰

The successes of these violence interrupter programs in DC are difficult to measure, as they are relatively new to the District and it takes years to change attitudes and behaviors. However, DC's violence interrupter programs are based on the Cure Violence model which has a long, successful history of preventing violence in over 100 cities globally, reducing shootings and killings by 20% to 60% in some areas.²¹ For example, in Chicago, which has utilized the Cure Violence model since 1999, researchers found that violence decreased by at least one measure in most areas with violence

interrupter programs.²² In particular, in most neighborhoods with violence interrupter programs, shootings were reduced by 41% to 73% and gang-involved homicide declined.

We are pleased to see that Mayor Bowser's proposed budget would invest an additional \$7.8 million in federal relief funds to the ONSE budget to prevent gun violence. According to the Mayor's budget messaging, she has allocated this \$7.8 million to hire additional violence interrupters.²³ However, the budget book for ONSE notes that this enhancement is allocated "to support Gun Violence Prevention."²⁴ We urge the Council to question ONSE to ensure that these funds are to be directed specifically toward hiring additional violence interrupters. Moreover, increasing funding for violence interrupters would allow ONSE to expand into new partnerships with DC schools and to allow students to engage in the training provided to violence interrupters to support peer-to-peer engagement. We urge the Council to question whether the Mayor's investment is to be spent on hiring more violence interrupters and, if not, to use funds saved from the elimination of the SSD to expand funding to violence interrupter programming.

Safe Passage

We have heard from students, parents, and school leaders alike that they have significant concerns about the safety of routes to and from school.²⁵ A survey of DC students administered by the Office of the Student Advocate found that among the one-third of respondents who reported feeling uncomfortable, concerned, afraid, or in-danger in connection with school, more than half of them felt this way while traveling to and

from school.²⁶ The Safe Passage Program, implemented by the Office of the Deputy Mayor for Education (DME), seeks to address this problem by coordinating with schools, parents, volunteers, and local businesses to provide volunteers and safe spots along routes commonly taken by students traveling to and from school, particularly in seven priority areas with relatively higher numbers of student-involved criminal and violent incidents.²⁷

As with violence interrupter programs, it is difficult to quantitatively measure the success of DC's Safe Passage program. DC has only engaged in Safe Passage work since 2017, and it is difficult to measure how many crimes against students were prevented due to the presence of Safe Passage volunteers and safe spots. Other cities with a longer history of safe passage programs have seen measurable results, however. For example, in Chicago, where a Safe Passage program has existed since 2009, a study found that areas adjacent to Safe Passage routes experienced a decrease in violent crime and schools participating in Safe Passage experienced an increase in attendance.²⁸

We are pleased to see that the Mayor's proposed FY 2022 budget includes \$4,816,089 to dramatically expand the Safe Passage program.²⁹ We understand from the Mayor's presentation to the Council on May 27, 2021, that these funds will support community organizations to staff personnel to be posted along school routes in priority areas. In addition, we were pleased to see that the Mayor proposed \$6.1 million for micro-transit operations in Wards 7 and 8, which will provide shuttle transportation services

for students in 23 schools.³⁰ We are glad to see a serious investment in Safe Passage and urge the Council to protect the allocation made to Safe Passage in the Mayor's budget. Additionally, we encourage the Council to review whether additional funds saved from the elimination of the SSD could enhance the capacity of Safe Passage initiatives in priority areas.

B. Inter-Committee Transfers

Increase Investments in the Credible Messenger Program

The Credible Messenger program matches participating youth connected to the Department of Youth Rehabilitation Services (DYRS) with a mentor who shares similar life experiences. This program, which began in 2016, has been well received by the DC community³¹ and proven to be successful.³² Due to its success, the Credible Messenger Program has received funding increases in each year of its existence. Continued expansion of this program would ensure that all DC students will benefit from it. Some of these benefits include promoting family and community engagement and enhancing city-wide violence intervention services. For these reasons, we recommend that the Credible Messenger program serve as another outlet for investment of funds saved by elimination of the SSD from MPD's budget.

The Credible Messengers program is housed in the DYRS budget and received \$4.3 million in local funding in FY21.³³ DYRS stated that this FY21 funding level was sufficient to maintain its existing contract staff of 75 Credible Messengers consisting of:

- 60 staff who work in the community;
- 7 staff who work in DYRS facilities;
- 6 staff who work with the ONSE program; and,
- 2 staff that work in the Shaw branch of the DC Public Library³⁴

We are pleased to see the Mayor's proposed budget would provide a \$390,000 enhancement to the Credible Messenger program in FY22 drawn from federal relief funds.³⁵ This additional funding will permit DYRS and the Credible Messenger grant recipients to hire more Credible Messengers, expanding the program's reach across more communities and more DC students. More funds to the Credible Messenger program will also expand access to more active youth, engaged families, and school visits. However, the limited nature of the federal relief dollars could prove problematic for the credible messenger program if the Council does not find a sustainable source of funding. As such, we recommend that the Council use local dollars saved through the elimination of the SSD to provide a secure future for the Credible Messenger program.

Beyond the successes of the current DYRS grant recipients, the Credible Messenger model has been adapted for other at-risk youth. For example, in recent months the Child and Family Services Agency (CFSA) has piloted a credible messengers program based on the DYRS model. Early feedback on the pilot was so positive that CFSA has decided to double the reach of the pilot from ten to twenty young people. We encourage the Council and the executive branch to learn from these sorts of pilot programs to find ways to implement the credible messenger model in other settings – perhaps in schools – to find

ways to reduce young people's interactions with police and the criminogenic effects that increased contact with law enforcement has on Black and Brown youth.³⁶

Expanding Investments in School-Based Mental Health

Now more than ever we must be prepared to address the toxic stress and trauma students have experienced during the pandemic and meet their behavioral health needs.³⁷ We should not be surprised if students struggle to re-integrate back into in-person classrooms, to follow directions from teachers, or to get along with classmates they have not seen in over a year. If we are to successfully re-engage students and their families back into school communities, we must understand challenging student behaviors as symptoms of behavioral health needs that have not been met – instead of as “problems” requiring punishment.³⁸ To do this, schools must have resources in place that enable them to identify and appropriately address students' behavioral health needs.

The Department of Behavioral Health's (DBH's) school-based mental health expansion program (SBMH) provides schools with a critical resource for identifying and addressing behavioral health needs across the school community broadly, as well as for individual students and teachers. SBMH takes a public health approach and partners with community-based organizations (CBOs) to bring behavioral health services to children in all public schools – both traditional and charter.³⁹ Even with school buildings closed, SBMH clinicians have been able to connect with students virtually and continue to deliver services.

For SY 21-22 we must ensure that all DC students have access to this vital resource. Expanding SBMH to all remaining DC public schools – traditional and charter – means that every school will have at least one full-time behavioral health clinician available on site to provide services at all three tiers.⁴⁰ Clinicians hold many essential responsibilities including assessing behavioral health needs of students, mapping out existing resources and gaps, and connecting students and families to services beyond school walls. Ensuring that clinicians have full-time positions helps promote a high-quality delivery of services.

The Mayor's proposed budget allocates \$5.8 million for SBMH in next year's budget.⁴¹ While we are very pleased to see the Mayor make a significant investment in SBMH – \$5.8 million is not sufficient to expand SBMH to all remaining public schools. An additional \$841,000 is required to place one full-time clinician in each of the 83 DC public schools that do not yet have a SBMH clinician.⁴² We are so close to ensuring students at all DC public schools have access to at least one behavioral health clinician – we strongly urge the Council to get this done by allocating the additional \$841,000 needed for SBMH in DBH's budget.⁴³ This relatively small number could easily be found among the nearly \$13 million spent on the SSD and would have a much more positive impact on DC students.

Restore and Expand Funding to the School Safety and Positive Climate Fund

The Student Fair Access to School Amendment Act of 2018 created the School Safety & Positive Climate Fund (“the School Climate Fund”) to be administered by OSSE⁴⁴ to enable schools to foster safety, promote a positive academic, disciplinary and physical environment, and encourage trusting and caring relationships between adults and students. Through the use of Multi-Tiered Systems of Support (“MTSS”),⁴⁵ OSSE offers training and resources for teachers, staff, and administrators who want to foster school safety and a positive school climate. The Mayor’s budget proposes to allocate \$1,215,000 to the School Climate Fund. This represents a 12.5% decrease to the School Climate Fund.

We urge the Council to restore the \$175,000 cut from the OSSE budget to ensure that the School Climate Fund can continue to support programs that have demonstrated positive outcomes in schools. In our budget testimony before the Committee of the Whole regarding DC’s education sector, we asked the Council to reprogram the \$500,000 in local funds allocated to the DME for training of SROs to the School Climate Fund so that OSSE can provide teachers and school staff with training in trauma-informed care, restorative justice programming, social emotional learning, and Positive Behavior Interventions and Supports (PBIS). If the School Safety Division is eliminated from MPD’s budget, this \$500,000 in local funds should be used to restore the \$175,000 cut and expand investments made to the School Climate Fund.

Models from Other Jurisdictions

The moment we are in calls for transformative, bold investments in students' and educators' behavioral health. Black and Brown youth and educators have been especially traumatized as they are grappling with two pandemics: the coronavirus and the systemic racism that has been dramatically highlighted this past year. DC is not the only jurisdiction working to address these dual crises. Across the country, we have seen states, cities, and school districts pursue alternatives to law enforcement in schools.⁴⁶

We acknowledge that there are limitations in examining any plans that arose in response to the calls for racial justice following the murder of George Floyd in Summer 2020. Because so few students have returned to classrooms in-person, many of the newest police-free schools plans have not yet been implemented. However, a number of districts began removing SROs from schools before the activism we have seen over the last year. Below we examine examples from other jurisdictions that have eliminated school policing through budget decisions as well as through legislative efforts.

A. Budget Action

Alexandria, VA

In May 2021, the Alexandria City Council voted to reallocate nearly \$800,000 away from the SRO program and invest those funds in student mental health resources.⁴⁷ They have opted to put the dollars saved into a contingent fund that will, pending Council approval, be used to support “initiatives meant to book students’ mental health.”⁴⁸

Notably, the perspectives of students and young people in the district were influential in their decision-making. One recent graduate noted “Going between classes, or arriving at school, you’d see [the officers] everywhere [...] To see an armed person on the school grounds, it made me feel what our communities are feeling every day: like we don’t trust or feel safe around police officers.”⁴⁹

This plan from Alexandria models the same divest-invest strategy that we present to the Council for DC’s SRO program. First divesting from police in schools and then investing the budget savings into student-facing supports. While the details of the investments that Alexandria City Public Schools will make with the funds are not yet finalized, the Alexandria Police Chief has noted that the officers who had previously served as SROs will be reassigned within the department.⁵⁰ We urge the DC Council to use take the same approach to divest from school police in our public schools and to invest in programs and supports that make students feel safe and welcomed at school.

Los Angeles, CA

The trustee of the Los Angeles Unified School District (LAUSD) recently approved a plan to cut 133 police positions from their schools. This reduction in force would remove 70 sworn officers with arrest powers, 62 nonsworn officers, and one support staff member.⁵¹ Notably, this leaves in place 211 officers who will continue to monitor school and be available for emergencies. This reduction in police presence is paired with the implementation of School Climate Coaches who are individuals drawn from the

community who are responsible for mentoring students, using socio-emotional learning strategies to strengthen student engagement, applying effective de-escalation strategies to support conflict resolution, building positive relationships, eliminating racial disproportionality in school discipline practices, and understanding and addressing implicit bias.⁵²

Furthermore, the reduction in school police officers freed up \$25 million in the district's budget. This money has been redirected to fund, in part, a \$36.5 million Black Student Achievement Program that aims to provide supplemental services to 53 high schools with a high proportion of Black students and high need indicators (below-average test scores and above-average suspension rates). The Black Student Achieve Program aims to:⁵³

- Ensure that materials and instruction are culturally responsive to Black students and provide additional support and intervention to students to close literacy and numeracy skill gaps;
- Work with community groups that have demonstrated success with Black students and families; and
- Reduce the over-identification of Black students in suspensions, discipline and other measures through targeted intervention to address students' academic and social-emotional needs.

This model is the most similar to the two-prong divest-invest strategy that we outlined above. This removal of police reduces the harms that students suffer, and the investment in student supports will help repair the damage that has already been done.

Minneapolis, MN

In 2017, Intermediate School District 287 (ISD 287) in Minneapolis, Minnesota replaced SROs with Student Safety Coaches. These Student Safety Coaches specialize in mental health, de-escalation, restorative justice and safe physical interventions.⁵⁴ Their primary focus is to build trusting relationships with students to ward off and mitigate behavior issues. Early evaluations of this model are largely positive. In the period between program implementation in 2017 and the pandemic-related transition to distance learning, ISD 287 saw “positive culture and safety on the rise, stronger relationships, incidents with police involvement decreased by half over two years, significantly fewer arrests, and [limited] use of physical holds.”⁵⁵

Elsewhere in city, the school board Minneapolis Public School District unanimously voted to terminate its contract with police in June 2020. As an alternative, the district hired 11 “public safety support specialists” who are intended to act as a bridge between in-school intervention and law enforcement. The specialists will serve a security function but be trained to build relationships with students and de-escalate conflicts. Notably, this plan has faced criticism from activists stemming from reports that 14 of the 24 finalists for these positions have a background in law enforcement.⁵⁶ Children’s Law Center strongly encourages the DC Council to be wary of proposed alternatives that simply create SROs by some other name.

B. Legislative Action

Maryland

Beyond the district-level changes that have been described above, there are also two pieces of legislation under consideration by the Maryland General Assembly – the Police Free Schools Act (PFSA)⁵⁷ and the Counselors Not Cops Act (CNCA).⁵⁸ Combined, these bills are designed to remove police from schools and redirect funding for mental health services, wraparound supports, and restorative approaches.

Specifically, these bills:

- Prohibit school districts from contracting with police departments;
- Repeal the creation of the Baltimore City Public Schools standalone police force;
- Require reporting on the use of force by school security and on calls to City or County police for incidents in school;
- Include families impacted by school-based arrest and experts in student mental health and conflict resolution to the School Safety Subcabinet Advisory Board; and
- Redirect the \$10 million/year SRO fund to schools to be used only to (i) hire mental and behavioral health specialists, (ii) hire restorative approaches coordinators and expand restorative approaches in schools, (iii) hire community school coordinators, develop community schools, and provide wraparound services, and (iv) develop trauma-informed schools.

Importantly, these bills do NOT:

- Prohibit school districts from calling City or County police in an emergency;
- Prohibit school districts from developing “adequate law enforcement coverage” plans with City or County police;
- Remove school security guards who are unarmed and do not have the power to arrest students; and
- Prevent schools from installing door locks or other non-personnel safety measures.

The legislators leading the charge on these bills have specifically sought to dispel the fears of parents and other stakeholders regarding the purported benefits of SROs – namely that schools without cops will not be safe. Specifically, they argued that “SROs have not deterred or stopped school shootings. Active shooters do not avoid schools with armed police, and it is extremely rare for police to successfully intervene when shootings occur. Police presence in schools hasn’t reduced any other school-based violence. A study of approximately 3,000 schools nationwide found ‘no evidence suggesting that SRO or other sworn law-enforcement contribute to school safety.’”⁵⁹

Conclusion

As we have discussed at various hearings and roundtables in recent months, now is the time to reimagine school security. We have before us an opportunity to divest from the traumatic and harmful practices and invest in programs and supports that have proven to support and help students thrive in school and in their communities. Thank you for this opportunity to testify, and I welcome any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate for children who are abused or neglected, who are not learning in school, or who have health problems that cannot be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

² Pauli Murray: Selected Sermons and Writings, page 210. *See* <https://www.facebook.com/paulimurrayproject/posts/true-community-is-based-upon-equality-mutuality-and-reciprocity-it-affirms-the-r/10153189445686943/>.

³ FY22 Proposed Budget and Financial Plan, Vol II, Section C.14, Metropolitan Police Department, Table FA0-4, (2300) School Safety Division, pg. C-144.

⁴ Metropolitan Police Department, *School Safety and Security in the District of Columbia: SY 2019-2020*, 1, available at:

<https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report%20School%20Year%202019-2020%20Final.pdf>.

⁵ See ACLU, *Cops and No Counselors, How the Lack of School Mental Health Staff is Harming Students*, 5, available at: <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

⁶ See Kristin N. Henning, *The Reasonable Black Child: Race, Adolescence, and the Fourth Amendment*, 57 American Univ. L. Rev. 1513, 1561, n. 313 (2018). Available at: http://www.aulawreview.org/au_law_review/wp-content/uploads/2018/08/675-%E2%80%9302-Henning.pdf.

⁷ Thalia Gonzalez, *Race, School Policing, and Public Health*, 73 Stan. L. Rev. Online 180, 188, (2021), available at: <https://www.stanfordlawreview.org/online/race-school-policing-and-public-health/>

⁸ See R23-0602 “Sense of the Council to Declare Racism A Public Health Crisis in the District of Columbia Resolution of 2020,” at § 3(1), available at: <https://www.dcregs.dc.gov/Common/DCR/Issues/IssueCategoryList.aspx?DownloadFile={38ABEAD6-2F0B-4240-A2A4-F463ECF4C5C4}>

⁹ *Id.*, at § 3(10).

¹⁰ DC Code § 5-132.01

¹¹ DC Code § 5-132.02

¹² DC Code § 5-132.02-04.

¹³ See FY22 Proposed Budget and Financial Plan, Vol II, Section C.14, Metropolitan Police Department, Table FA0-4, (2300) School Safety Division, pg. C-144.

¹⁴ District of Columbia Police Reform Commission, *Decentering Police to Improve Public Safety*, at 69, (Apr. 1, 2021), available at: <https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf>

¹⁵ Office of the Attorney General for the District of Columbia, “Investing in OAG’s Violence Interrupter Program” (Feb. 7, 2019), available at: <https://oag.dc.gov/blog/investing-oags-violence-interruption-program>.

¹⁶ Office of the Attorney General for the District of Columbia. “Cure the Streets: OAG’s Violence Interruption Program,” available at: <https://oag.dc.gov/public-safety/cure-streets-oags-violence-interruption-program>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Office of the Attorney General for the District of Columbia. *Cure the Streets Data Dashboard: Bellevue (Ward 8)*. Available at: <https://oag.dc.gov/sites/default/files/2020-08/CTS-Data-Dashboard-Bellevue.pdf>.

²⁰ Lorenzo Hall, “He’s been shot at. He’s lost friends. Inside the life of one of DC’s most violent neighborhoods,” WUSA9, (May 16, 2019), available at: <https://www.wusa9.com/article/news/local/dc/hes-been-shot-at-hes-lost-friends-inside-the-life-of-one-of-dcs-most-violent-neighborhoods/65-c1075db8-8f3a-445d-a822-5b94f7a548d1>.

²¹ Office of the Attorney General for the District of Columbia. “Cure the Streets: OAG’s Violence Interruption Program,” available at: <https://oag.dc.gov/public-safety/cure-streets-oags-violence-interruption-program>.

²² Wesley G. Skogan, Susan M. Hartnett, Natalie Bump, & Jill Dubois. *Evaluation of CeaseFire-Chicago*. (Mar. 19, 2009), available at: <https://1vp6u534z5kr2qmr0w11t7ub-wpengine.netdna-ssl.com/wp-content/uploads/2019/09/Skogan-2009-Eval.pdf>.

²³ See “Mayor Bowser Highlights \$59 Million Investment in Reducing Gun Violence and Building Safer Neighborhoods,” (June 7, 2021), available at: <https://mayor.dc.gov/release/mayor-bowser-highlights-59-million-investment-reducing-gun-violence-and-building-safer>

²⁴ See Budget Chapter for the Office of Neighborhood Safety and Engagement, C-182. Full allocation explanation states: “In Federal Payment funds, the ONSE budget is increased by \$16,130,036 and 14.0 FTEs across multiple programs. These funds are allocated as follows: \$7,809,510 to support Gun Violence Prevention, \$4,534,861 to expand the Pathways Program, \$2,200,000 to support housing assistance to address short or mid-term needs for victims of gun violence or those at-risk of gun violence, \$791,915 to support wrap-around services for Building Blocks DC participants in the Project Empowerment, \$593,750 to support expanding access to Trauma-Informed Mental Health Services, and \$200,000 to support Restorative Justice Training. These increases in spending are supported by Coronavirus Relief funds from the American Rescue Plan Act.”

²⁵ See, e.g., Perry Stein, Washington Post. ‘It makes me angry’: After deaths of classmates, D.C. students say they feel unsafe on their daily commutes. Available at:

https://www.washingtonpost.com/local/education/it-makes-me-angry-for-dc-students-safe-passage-to-school-can-prove-elusive/2019/07/06/998e09b0-8b8e-11e9-adf3-f70f78c156e8_story.html.

²⁶ Office of the Student Advocate. “Safe Passage: A Student’s Perspective,” available at:

<https://sboe.dc.gov/sites/default/files/dc/sites/sboe/Safe%20Passage%20Report%20SY%202019-20%20Final.pdf>.

²⁷ Office of the Deputy Mayor for Education, *Safe Passage Priority Areas*, available at:

<https://safepassage.dc.gov/page/safe-passage-priority-areas>.

²⁸ Daniel McMillen, Ignacio Sarmiento-Barbieri, & Ruci Singh. “Do More Eyes on the Street Reduce Crime? Evidence from Chicago’s Safe Passage Program,” *Journal of Urban Economics*, (2019), available at:

<https://www.sciencedirect.com/science/article/abs/pii/S0094119019300014?via%3Dihub>

²⁹ Office of the Mayor for the District of Columbia, FY22 Proposed Budget and Financial Plan, (May 27, 2021), available at: <https://cfo.dc.gov/node/289642>.

³⁰ Id.

³¹ What Love Looks Like: Credible Messengers Building Community in DC, Public Welfare Foundation, Mar. 2, 2020, <https://www.publicwelfare.org/resource/what-love-looks-like-credible-messengers-building-community-in-dc/>; see also Report and Recommendations of the Committee on Recreation and Youth Affairs on the Fiscal Year 2020 Budget for Agencies Under Its Purview, Council of the District of Columbia, May 2019, at 18,

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/5ccb0bd1e2c483baf0478fd5/1556810706824/RYA+Draft+Budget+Report+5-2-19.pdf>.

³² “DYRS Announces FY18 Grant Awardees for Credible Messenger Mentoring Initiative,” Department of Youth Rehabilitation Services, July 31, 2017, <https://dyrs.dc.gov/release/dyrs-announces-fy18-grant-awardees-credible-messenger-mentoring-initiative>.

³³ FY21 Funding for Violence Prevention and Reduction, Office of the Deputy Mayor for Public Safety and Justice, (Sept. 10, 2020), available at : <https://dmprj.dc.gov/publication/fy21-funding-violence-prevention-and-reduction#:~:text=The%20planned%20DYRS%20local%20funding,FY20%20budget%20of>.

³⁴ Id.

³⁵ Office of the Mayor for the District of Columbia. *FY2022 Proposed Budget and Financial Plan*. (2021, May 27), available at: <https://cfo.dc.gov/node/289642>.

³⁶ See Juan Del Toto, et al., “The criminogenic and psychological effects of police stops on adolescent black and Latino boys,” 116 PNAS 8261-8268 (2019), available at: <https://www.pnas.org/content/116/17/8261>

³⁷ See Stein, P, *Low Attendance and Covid-19 Have Ravaged D.C.’s Poorest Schools – Fall Will Be About Reconnecting* (May 10, 2020), Washington Post, (“And when students do finally return to the classrooms, [DCPS Chancellor] Ferebee said the immediate focus will be on students’ mental health, addressing the trauma that many students have experienced during the health emergency... ‘It’s traumatic...Students have experienced trauma and stress,’ Ferebee said in an interview.”), available at: <https://www.washingtonpost.com/local/education/in-dc-schools-spring-was-ravaged-by-covid-and->

[disconnection-fall-will-be-about-catching-up/2020/05/10/60ad1774-8b3f-11ea-8ac1-bfb250876b7a_story.html](https://www.nytimes.com/2020/05/10/60ad1774-8b3f-11ea-8ac1-bfb250876b7a_story.html).

³⁸ Kirp, D., *A four-year-old child is not a problem. And Expulsion is not a solution.* (April 25, 2021), The New York Times, available at: <https://www.nytimes.com/2021/04/25/opinion/preschool-children-mental-health.html>.

³⁹ DBH began to implement the expansion of the school-based mental health expansion program during the 2018-2019 school year. DBH works with DCPS, OSSE, and the Public Charter School Board (PCSB) to match CBOs with individual schools. Once a school has been successfully matched with a CBO, a full-time CBO clinician is placed in the school to provide full-time behavioral health service. For more information, please see our FY21 DBH performance oversight testimony, available at:

https://www.childrenslawcenter.org/sites/default/files/attachments/testimonies/TWeerasingha-Cote_CLCTestimony_DBHOversightHearing_FINAL.pdf

⁴⁰ The goal of SBMH is for all public schools to provide a full array of behavioral health supports at three tiers: (1) Tier 1 encompasses mental health promotion and prevention for all students; (2) Tier 2 includes focused interventions for students at risk of developing a behavioral health problem; and (3) Tier 3 is comprised of intensive support/treatment for individual students who are experiencing a behavioral health problem.

⁴¹ FY22 Proposed Budget and Financial Plan, Vol IV, Section E.3, Department of Behavioral Health, Table RM0-5, pg. E-42-43.

⁴² We previously estimated it would cost approximately \$6.4 million to expand SBMH to 80 additional schools. Since then, three new charter schools have been approved. \$6.4 million - \$5.8 million (in Mayor's budget) + \$241K (cost for three additional schools) = \$841K. This is the difference we need the Council to fund.

⁴³ According to administration officials, an additional \$2.2 million of federal relief dollars will be allocated to OSSE to support SBMH. These funds, however, will not be used to fund expansion of SBMH into new schools. These funds will be used to support capacity building in schools, provide additional technical assistance to school leaders, and fund other program infrastructure, such as the Community of Practice. While we applaud this additional investment in SBMH and believe it is important to fund these other aspects of the program, we must note that because none of the funds going to OSSE will be used to fund expansion of SBMH to new schools, additional funding is still required (\$841,000 to expand to all remaining public schools).

⁴⁴ Student Fair Access to School Amendment Act of 2019, D.C. Law 22-157, Sec 207, available at: <https://code.dccouncil.us/dc/council/laws/22-157.html>

⁴⁵ See School Culture and Climate Page, Office of the State Superintendent, available at: <https://osse.dc.gov/page/school-climate-and-culture>.

⁴⁶ See Maya Rise-Kositsky & Stephen Sawchuk, "Which Districts Have Cut School Policing Programs?," EDUCATIONWEEK, (June 4, 2021), available at: https://www.edweek.org/leadership/which-districts-have-cut-school-policing-programs/2021/06?utm_source=nl&utm_medium=eml&utm_campaign=eu&M=60724316&U=&UUID=7934d227fd76be68036c84915aaf0a5f

⁴⁷ See Hannah Natanson, *Alexandria will remove police from public school hallways*, Washington Post, (May 16, 2021), available at: https://www.washingtonpost.com/local/education/alexandria-police-middle-high-school/2021/05/15/55308846-b3fb-11eb-9059-d8176b9e3798_story.html

⁴⁸ *Id.*

⁴⁹ *Id.*, (quoting recent T.C. Williams HS graduate Sindy Carballo.)

⁵⁰ *Id.* Also noting that one officer will retire at the end of the school year.

⁵¹ See Cowan, Jill, et. al., *Protestors Urged Defunding the Police. Schools in Big Cities Are Doing It.*, New York Times, (February 18, 2021), available at: <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html>.

⁵² *Id.*

⁵³ Board of Education of the City of Los Angeles, Minutes from Special Meeting Order of Business, (Feb. 16, 2021), available at: <http://laschoolboard.org/sites/default/files/02-16-21SpclBdOBWithMaterialsColor.pdf>.

⁵⁴ Hicks, Rachel, *287 Student Safety Coach Model*, Intermediate District 287, (July 10, 2020), available at: <https://www.district287.org/287-student-safety-coach-model/>.

⁵⁵ *Id.*, at Wilder Research Report and Data.

⁵⁶ See Keierleber, Mark, *Here are the People Minneapolis Schools Hired to Replace Campus Police After George Floyd's Death – And Why Some Are Raising New Red Flags*, The74, (Nov. 9, 2020), available at: <https://www.the74million.org/article/here-are-the-people-minneapolis-schools-hired-to-replace-campus-police-after-george-floyds-death-and-why-some-are-raising-new-red-flags/>.

⁵⁷ Police Free Schools bills in Maryland have not been formally introduced but on the way. See McCord, Joel, *Bills Aim to Get Cops Out of Schools*, WYPR, (Feb. 3, 2021), available at: <https://www.wypr.org/post/bills-aim-get-cops-out-schools>.

⁵⁸ *Primary and Secondary Education – Mental Health Services – Expansion (Counselors Not Cops Act)*, House Bill 496, (January 15, 2021), available at: <http://mgaleg.maryland.gov/2021RS/bills/hb/hb0496f.pdf>.

⁵⁹ Acevero, Gabriel, and Jheanelle Wilkins, *Reimagining school safety in Maryland*, Washington Post, (Jan. 29, 2021) available at: https://www.washingtonpost.com/opinions/local-opinions/reimagining-school-safety-in-maryland/2021/01/28/6de4299a-5b38-11eb-8bcf-3877871c819d_story.html (quoting Na, Chongmin, and Denise C. Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, 30 Justice Quarterly 619 (2013)). Available at: <https://www.tandfonline.com/doi/full/10.1080/07418825.2011.615754>).