

STATEMENT BY YOUTH OF COLOR ON SCHOOL SAFETY AND GUN VIOLENCE IN AMERICA

We *can* imagine the pain and suffering that the youth and families in Newtown, Connecticut are experiencing. As youth growing up on some of America's deadliest streets, we are all too familiar with gun violence and its impacts. Too many of us

have been shot and shot at. We have buried our friends and our family members. Nearly all of us have been to more funerals than graduations. ***No one wants the violence to stop more than we do.***

But, we have also seen how attempts to build public safety with security systems, armed police and prisons have failed. ***We want college prep, not prison prep.***

President Nixon declared the War on Drugs and enacted the first use of zero tolerance laws in communities. President Reagan expanded the War on Drugs and his Secretary of Education, William Bennett, enacted zero tolerance in schools. School shootings were used as an excuse to expand these policies at the local, state and federal level, most famously by President Clinton following Columbine. For forty years, federal, state and local dollars have gone toward the massive build-up of police departments, juvenile halls, jails, prisons, immigration enforcement and detention, and border security, while simultaneously our school and higher education budgets have been severely cut. And, locally, zero tolerance policies have resulted in the takeover of school security by police departments and school resource officers.

As a result, in communities of color throughout the nation, students now experience a vicious school-to-jail track. Despite the fact that school shootings have overwhelmingly happened in white schools, youth of color have paid the price. We have been handcuffed and humiliated in front of other students and staff for "offenses" as small as being late to school; detained in police interrogation rooms at our school; expelled from school for carrying nail clippers, markers or baseball caps; and arrested – even in elementary schools – for fights that used to be solved in the principal's office. With our backpacks searched and our lockers and cars tossed, at the end of a billy club or the butt of a gun, knees down-hands up, or face down on cold concrete or burning asphalt – we have experienced the true face of "public safety." These policies haven't protected us, helped us to graduate or taught us anything about preventing violence. They have taught us to fear a badge, to hate school and to give up on our education. ***We understand too well that guns in anyone's hands are not the solution. You can't build peace with a piece.***

Effective Solutions to School Safety

The movement to end the school-to-jail track, mass incarceration and deportation of youth of color is our generation's civil and human rights struggle. Throughout the nation, our efforts are pressuring school districts and state legislatures to dismantle unfair discipline practices that force youth out of school, and to move instead toward positive student supports that not only dramatically increase school safety but also improve graduation rates. The tragic shooting at Sandy Hook Elementary School must not interrupt this progress or return us to policies and practices that are racist, inhumane and unjust.



Specifically, we are calling on all federal, state and local officials to:

1. End Zero Tolerance and other policies that take away school-based decision-making and force schools to suspend, expel and arrest students in order to be in compliance with the law or to receive federal or state funding.

2. Eliminate willful defiance, disorderly conduct and other minor infractions as punishable by suspension, expulsion, ticketing or arrest.

3. Reject efforts to expand police and military in our schools as well as razor/barbed wire, security gates, metal detectors, surveillance and increased use of handcuffs and police detention inside and around our campuses. Replace school police and school resource officers with intervention/peacebuilders and the other alternatives listed below.



4. Reject efforts to increase criminal penalties, mandatory minimums, gun enhancements and the transfer of more youth into adult courts that will unfairly target youth of color for extreme sentencing and decades of incarceration.

5. Fund Positive Behavioral Interventions and Supports (PBIS) – specific strategies educators can use to reward positive student behavior, hold students accountable for our actions in ways that keep us in school, cause self-reflection and growth, and improve our relationships with school staff.

6. Fund Community Intervention/Peacebuilders in schools – trusted community leaders who are trained to provide safe passage to and from schools; create a safety perimeter in and around schools especially during breaks and lunch; reach out to students who are regularly late or missing from school; work with youth who are acting out in class or on campus; prevent inter-group or inter-neighborhood conflict – often contributing to or stemming from neighborhood conflicts that, if unresolved, can lead to serious violence in the community; rumor control to prevent future violence and retaliation; run violence prevention, conflict mediation and restorative/transformational justice meetings; and make home visits to students who are struggling in school.

7. Fund Restorative/Transformational Justice (RJ/TJ) in schools, which develops the skills of students, staff and other community members in conflict mediation and problem solving, de-escalation of violence, and techniques to defuse bullying, harassment and disrespect. RJ/TJ involves students and others in solving problems such as truancy, fights, bullying, theft, intoxication, vandalism and failure to follow school directives without resorting to suspension, expulsion, ticketing and/or arrest. In addition, youth and staff learn skills that we can use to improve relationships and solve conflicts outside of school.

8. Support the development of schools as Community Centers open year around, after school and on weekends to extend the school day, build public safety, and increase student attendance and achievement through homework help, tutoring, college preparation, counseling and health/mental health care (many community schools have on-site health/mental health clinics), job training and placement, arts and recreation, even night school for parents and older family members. Schools that operate as community centers also increase family involvement in schools, leading to improved student relationships with parents/guardians and increased graduation rates.



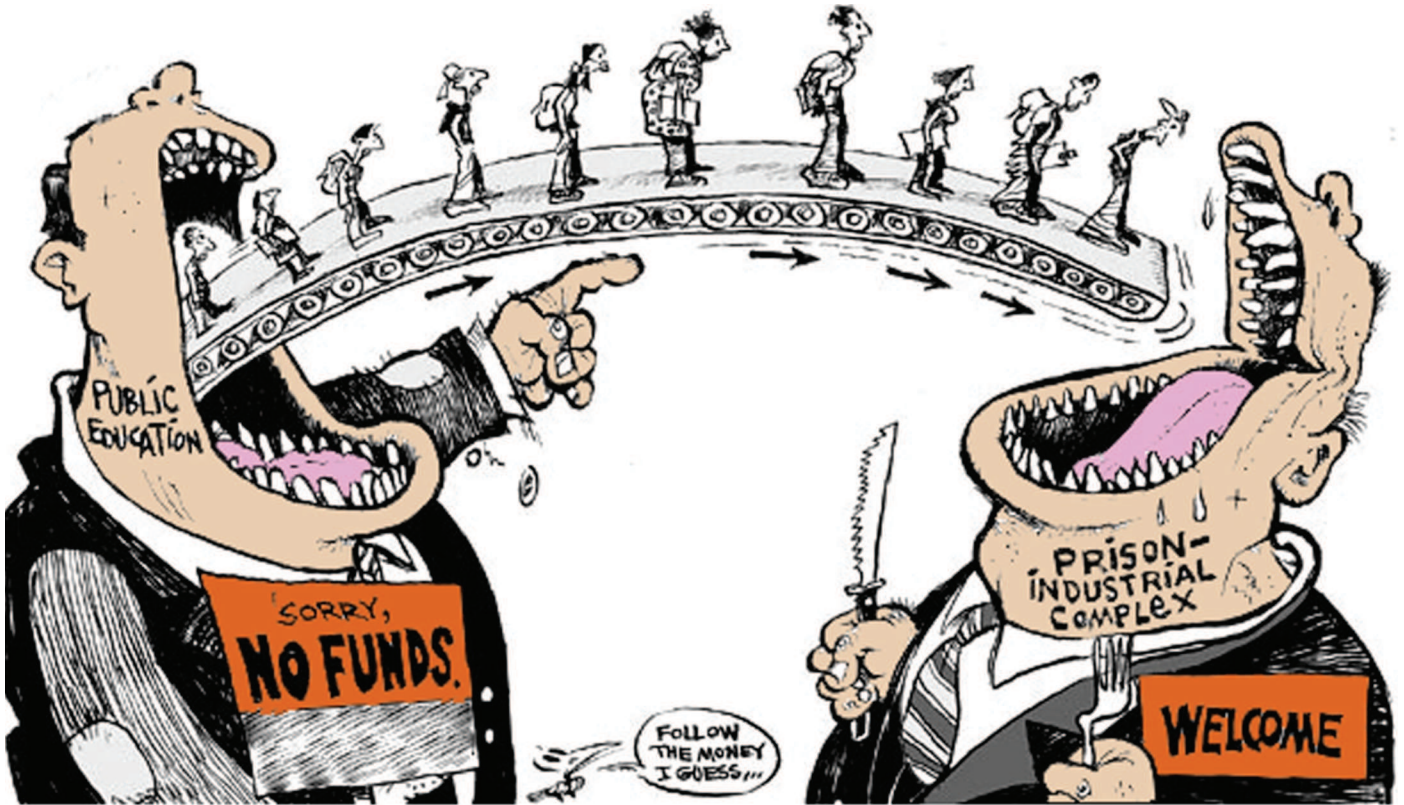
9. Provide every student pre-school through college with a metro/bus/public transportation pass to ensure we have transportation to and from school, while also providing unlimited transportation to essential resources throughout our communities including employment, housing, food, health care, etc.

10. Ensure that every young person on probation or parole and all youth coming home from lock-up are immediately enrolled in a quality education program, and end the illegal blocking of system-involved youth from schools and entire districts. In order to ensure immediate enrollment, ensure that everyone who spends 3 or more weeks detained or incarcerated leaves lock-up with a state ID, birth certificate, social security card, immunization records, medication (if needed) and connection to health/mental health referrals, updated transcript and test scores, and a voter registration card (optional). For undocumented youth, we must leave lock-ups knowing the risks of deportation especially for convicted people and with referrals for immigration assistance.

11. End the discrimination against undocumented youth, the cooperation of school districts and local law enforcement with Immigration and Customs Enforcement (including the Secure Communities Program), and eliminate barriers to all immigrant youths' access to education and student supports from pre-school through college.

This is Why You Should Support These Recommendations:

- 1. The voices of youth and communities of color are usually absent from the debates on violence in America.**
- 2. More than 96% of school-based shootings in America have been caused by white shooters in overwhelmingly white schools and white communities.**
- 3. There is *little to no* recognition or support for youth of color who *are* victims of gun violence.**
- 4. Zero tolerance and other harsh school discipline policies unfairly target youth of color.**
- 5. Positive relationships and opportunities – *not guns* – create safe schools.**
- 6. Schools look and operate more and more like prisons with harmful impacts on students.**
- 7. Schools that are heavily policed have higher rates of school push-out and – as a result – lower graduation rates.**



8. Police in and around schools are much more expensive than more effective school safety strategies.
9. Students who are pushed out of school are most often pushed into an inferior, substandard education, isolated in our local districts' least resourced schools.
10. Students who are pushed out are more likely to be victimized by the violence of the streets.
11. School safety policies based on fear also exclude many of the people who are most qualified to build and maintain safe schools as volunteers or school staff because they have convictions.
12. Schools that are heavily policed exist in communities that are already heavily policed.
13. Officials have focused on harsh prosecution and punishment that impact youth of color at much higher rates.
14. Guns are much more likely to kill unintended victims than targets.
15. Any gun control strategy has to address gun manufacturing, as well as how the guns get to our streets.
16. America's addiction to guns corresponds with our reliance on armed law enforcement to solve all school and community problems.
17. There is a real and legitimate fear of law enforcement in poor communities and communities of color that must be addressed if we are ever to solve violence in our nation.

Data and Additional Support for Each Statement

1. The voices of youth and communities of color are usually absent from the debates on violence in America.

Young people of color consistently experience higher rates of violence than white youth. Yet we are often excluded from conversations and solutions around violence prevention. We have been part of numerous press conferences where the media have quoted everyone except us. We have experienced the negative result of police and zero tolerance in schools, but we are not included in educational decisions on local, city, state, or federal levels.

If you had a Commission on the Status of the Black Community and only white people were appointed to serve on it, there would be an outcry from officials and media. The same would be true for a Women's Caucus with only men in its membership. But, every day, from city halls to the White House, adults discuss what youth are experiencing and decide what youth need without ever talking to us.¹

We are the experts on school and community safety. We need to be at the center of decision-making regarding policy changes that will impact our blocks and our classrooms. Silencing us keeps the bars up, the fingers pointed, the guns drawn, and the streets and our schools unsafe. No more incarceration without representation!

2. More than 96% of school-based shootings in America have been caused by white shooters in overwhelmingly white schools and white communities.

Yet, the policies that are created in response to these horrible incidents criminalize, push-out, prosecute, imprison and deport youth of color at much higher rates than white youth.



3. There is *little to no* recognition or support for youth of color who *are* victims of gun violence.

In 2010, among 10 to 24 year-olds, homicide was the leading cause of death for African Americans; the second leading cause of death for Latinos; and the third leading cause of death for Native Americans/First Nations and Alaska Natives.² Homicide rates among African-American males, age 10-24 are the highest in the nation – 51.5 per 100,000 or 25 times higher than for (non-Latino) White males in the same age group (2.9 per 100,000).

When shootings occur in predominantly white schools and/or communities, the response is very different than when youth are shot in our neighborhoods. For example, when the Columbine and Sandy Hook shootings occurred, the media, mental health and child guidance experts rushed to the scenes, offered support to students and their families, and searched for answers – “How could this happen in America?” The

¹ From The Brotherhood Co-founder, Jason Warwin, (Harlem, NYC).

² Center for Disease Control, Youth Violence Facts at a Glance (2012), available at <http://www.cdc.gov/ViolencePrevention/pdf/yv-datasheet-a.pdf> (citing Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online] (2010)).

assertion is that the youth who are shot are innocent and even the shooters are “troubled,” “bullied,” and/or “mentally ill.”

What the media and officials really mean is, “How could this happen in *white* America?” Because, by comparison, our murders rarely get more than a mention in the homicide statistics. Often, we are not even named: “Shot – Black male, 16” or “Found dead by handgun, Latino teen, presumed victim of gang rivalry.” And, because our murders are rarely covered, they are also considered unimportant, and mental health and other supports never arrive at our schools and streets to check on the wellbeing of survivors. Both the shooters and the victims are immediately discounted as “gangsters” and “monsters” – often without any evidence of this fact. No one searches for answers in our diaries, asks about our histories of abuse and trauma, or questions how such levels of violence can occur in our families and communities. The assumption is that *we are all violent – no wonder we die at such alarming rates.*

In the past 3¹/₂ years, the Youth Justice Coalition, located on the border between South Central Los Angeles and Inglewood, has known 40 young people connected to the center who have been killed by community or police violence. Despite the fact that the organization has regularly notified the media and the public about the killings and the accompanying funerals, candlelight vigils and repasts, not a single journalist, elected official or mental health institution has ever appeared to offer support to the survivors or to get a more complete picture of the victim.

In fact, in any search for coverage on the issue of gun violence in America, it is easier to come across statistics that frame young people of color as chronic perpetrators of crime and violence than to find numbers that tell the true story we already know: that we are the *victims* of gun violence at a higher rate than any other group in the nation, and our schools are one of the few safe spaces in our neighborhoods for both us and our families.



For example, in 2010, African Americans represented 13% of the nation’s population, yet accounted for 49% of all homicide victims.³ The homicide rate for Black victims in the United States was 16.32 per 100,000. In comparison, the overall national homicide rate was 4.42 per 100,000 and the national homicide rate for whites was 2.66 per 100,000.⁴

In 2008 and 2009, gun homicide was the leading cause of death among black teens, ages 15 to 19. Young black males died from gun violence at a rate eight times higher than white males.⁵

³ The Violence Policy Center, *Black Homicide Victimization in the United States: An Analysis of 2010 Homicide Data* 6 (January 2013) (citing *FBI Supplementary Homicide Report 2010*, U.S. Census Bureau population estimates), available at <http://www.vpc.org/studies/blackhomicide13.pdf>.

⁴ *Id.* at 2-3.

⁵ Children’s Defense Fund, *Protect Children Not Guns 2012* 2 (2012), available at <http://www.childrensdefense.org/child-research-data-publications/data/protect-children-not-guns-2012.pdf>.

We are stereotyped as criminals even when we are killed or injured. Just as when we are suspected of being the shooter, the assumption when we are killed or injured is that we were in some way guilty of wrongdoing – especially that we are “gang involved.” In fact, the sheriffs in Los Angeles County, as recently as the early 2000s, admitted to using a term when shootings happen in our communities that they assumed had victims who were connected to the streets: “NHI – No Humans Involved.”⁶ But nationwide in 2010, only 15% of Black homicide victims (420 murders) were reported by law enforcement to be gang-related; and only 29% were related to another felony.⁷

Even when Trayvon Martin was killed by a Community Watch vigilante while he was walking home from the store with Skittles and Iced Tea, the media and officials spent weeks re-victimizing him by suggesting that he must have been the aggressor. *Just as it is true on the street, any increase of guns in schools – including the presence of police and military – threatens our lives.*

4. Zero tolerance and other harsh school discipline policies unfairly target youth of color.

Just like a prison, our schools have no tolerance for anything we do wrong. There is no recognition that family responsibilities, the stress of the streets and personal problems can sometimes get in the way of our ability to learn.

Zero tolerance isn't the way to run a school. It makes school a place we are afraid to come to, because with one more absence we'll get kicked out. Or where asking a question gets you sent to the office with a referral for defiance. Many Black and Brown youth first have to take little brothers and sisters to school on public transportation because our mothers work the midnight shift, and then we end up with handcuffs on our wrists for truancy when we're a few minutes late to our own school.

Nationwide, students of color are more likely than white students to receive an out-of-school suspension. Students in several of Mississippi's school districts face out-of-school suspension rates that are nine times the national average, and overwhelmingly of Black youth.⁸ In Lawrence County, Mississippi, Black students are eight times more likely to receive an out-of-school suspension than white students.⁹



⁶ See, e.g., Roz Edward, “The Los Angeles Riots: Rodney King and the LAPD 20 Years Later,” *RollingOut.com*, April 29, 2012, available at <http://rollingout.com/culture/the-los-angeles-riots-rodney-king-and-the-lapd-20-years-later/>; Youth Justice Coalition, *Cross the Line, Why L.A. Must Challenge the Idea that Police Budgets are Untouchable in order to Support Youth and Build Safer Communities* (First Release June 2011; Updated, December 2012), available at www.laforyouth.org.

⁷ Violence Policy Center, *Black Homicide Victimization in the United States: An Analysis of 2010 Homicide Data 2-3* (January 2013).

⁸ ACLU of Mississippi, Advancement Project, Mississippi State Conference of the NAACP, & Mississippi Coalition for the Prevention of Schoolhouse to Jailhouse, *Handcuffs on Success: The Extreme School Discipline Crisis in Mississippi Public Schools 10-12* (January 2013), available at <http://www.advancementproject.org/resources/entry/handcuffs-on-success>.

⁹ *Id.* at 11.

In New York City, during the 2011-12 school year, the NYPD School Safety Division arrested or ticketed more than 11 students each day in schools. More than 95% of arrests were of Black or Latino students; 74% were of males; and 1-in-5 arrests were of students between the ages of 11 and 14.¹⁰

In Florida, in 2011, Black students made up 21% of the student population in Florida, but accounted for 46% of all school-related referrals to law enforcement.¹¹

In Philadelphia, the most recent data available from the school district showed that in 2007-2008, Black students were 3.5 times more likely to be taken into police custody than a White student, and Latino students were over 1.5 times more likely to be taken into custody than a White student.¹²

Louisiana's expulsion rate is five times the national rate, nearly 16,000 middle and high school students are pushed out each year, and public schools in the state give out over 300,000 out-of-school suspensions a year.¹³ Within Louisiana's state-run Recovery School District, established to help rebuild education after Katrina, the expulsion rate is ten times the national rate and 1 in every 4 students was suspended in a single year, twice the statewide rate and over four times the national rate.¹⁴

In middle class schools, they have counselors and student supports. In our schools, it's survival of the fittest. Poor, black and brown youth walk the streets, while rich and white walk the graduation stage. Instead of having police and zero tolerance, why not have real counselors and peacebuilders? That's REAL school safety.

5. Positive relationships and opportunities – *not guns* – create safe schools.

In December 2012, youth marched 50 miles across Los Angeles County from Sylmar Juvenile Hall to the Norwalk site of the nation's largest Fusion Center that consolidates data from domestic police surveillance. Along the way, they surveyed 1,642 residents. When asked what are the three most important things L.A. could do to prevent violence and crime in our communities and schools, only 1.7% of the people surveyed said to expel and/or suspend more youth from school; 1.8% said to lock more youth up; 2.3% said to add more gang injunctions; and 8% said to hire more police. But, 73.4% said to give youth access to summer and after school jobs; 43.8% said to hire "former gang members" to run prevention programs and build truces; and 73.3% said to open youth centers after school and on weekends.¹⁵

¹⁰ The New York Civil Liberties Union and Dignity in Schools Campaign-NY, *Data Shows Black Students Disproportionately Arrested at School* (August 2012), available at <http://www.dignityinschools.org/press-release/first-full-year-nypd-data-shows-black-students-disproportionately-arrested-school>.

¹¹ Florida Department of Juvenile Justice, *Delinquency in Florida's Schools: A Seven-Year Study (FY 2004-05 through FY 2010-11)* 9 (November 2011), available at <http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf>.

¹² Youth United for Change & Advancement Project, *Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison* 9 (January 2011), available at <http://www.advancementproject.org/resources/entry/zero-tolerance-in-philadelphia-denying-educational-opportunities-and-creati>.

¹³ Families and Friends of Louisiana's Incarcerated Children & National Economic and Social Rights Initiative, *Pushed Out: Harsh Discipline in Louisiana's Schools Denies the Right to Education* 13, 9-10 (Spring 2010), available at <http://www.nesri.org/resources/pushed-out-report>.

¹⁴ *Id.* at 13-14, 10.

¹⁵ Survey results on file with Youth Justice Coalition, www.youth4justice.org.

The California Endowment surveyed California voters and found that people “strongly believe that more mental health services and better emergency response training for school staff are the best strategies for preventing violence in schools.” When asked whether hiring a school counselor or a police officer would be more effective at preventing violence, surveyed voters chose counselors by more than two to one (67% to 26%) over police.¹⁶



Research backs up what these surveys—and common sense—are telling us: youth need positive relationships and real connections at school. Without these supports, we begin to hate school, and we are more likely to act out, get pushed out or leave.¹⁷ Schools that are strict and heavily policed actually lead to more disorder, increase conflict between and among teachers and students; and make students less safe and more fearful.¹⁸

The American School Counselor Association recommends that at least one counselor is needed for every 250 students. But what students are actually getting is much worse. The national average in 2010-2011 – the most recent year that statistics have been released – is a ratio of one school guidance counselor to almost 500 students.¹⁹ In California there was only one counselor for every 1,016 students.²⁰ And, this is just for the traditional role of checking on students’ grades and making sure they have what they need to graduate and get into college or a career. This doesn’t even account for the counseling needs of students to address the much more difficult problems we face such as homelessness, violence, bullying, substance abuse or family separation through foster care or incarceration.

In New York City public schools, there are 5,100 School Safety Agents who are employed and trained by the New York Police Department (NYPD). By comparison, there are only about 3,000 guidance counselors.²¹

But it doesn’t have to be this way. Students and school staff can work together to create safety without relying on armed police. Youth at Nollie Jenkins Family Center in Mississippi are studying a group of leaders called “Scholars of Peace” that once lived in Timbuktu, Mali. These scholars scripted many Arabic manuscripts that talked about peace keeping, astronomy and many other topics. Most importantly, the manuscripts

¹⁶ The California Endowment, Survey: Californians Say Mental Health Care and Emergency Preparedness Are Best Ways to Prevent School Violence (2013), available at <http://tcenews.calendow.org/releases/survey-californians-say-mental-health-care-and-emergency-preparedness-are-best-ways-to-prevent-school-violence>.

¹⁷ See Randall R. Beger, “The Worst of Both Worlds,” 28 *Crim. Just. Rev.* 336, 340 (2003); Skiba, R., & Peterson, R. “The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?,” 80 *Phi Delta Kappan*, 372-82 (January 1999).

¹⁸ Matthew J. Mayer & Peter E. Leone, “A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools,” 22 *Educ. & Treatment Child.* 333, 352.

¹⁹ American School Counselor Association, Student-to-School-Counselor Ratio 2010-2011, available at <http://www.schoolcounselor.org/files/Ratios10-11.pdf>.

²⁰ *Id.*

²¹ The New York Civil Liberties Union and Dignity in Schools Campaign-NY, *Data Shows Black Students Disproportionately Arrested at School* (August 2012), available at <http://www.dignityinschools.org/press-release/first-full-year-nypd-data-shows-black-students-disproportionately-arrested-school>.

talked about creating a culture of peace. The Scholars kept the level of violence down throughout the region through peaceful resolution to conflict. We can learn from our ancestors how to decrease school and community violence without the violent tactics used by law enforcement.

6. Schools look and operate more and more like prisons with devastating impacts on students.

Our schools are already heavily policed, and look – *and feel* – like prisons.

Across the U.S., schools with School Resource Officers (SRO) have nearly five times the rate of arrests for disorderly conduct as schools without an SRO, even when controlling for poverty.²² The Los Angeles Unified School District (LAUSD) has the largest school police department in the nation. Arrests and referrals to the juvenile court system in LAUSD schools are much higher than in districts without police, including at least 85,000 citations and arrests in recent years – most of which were for normal youth behavior, not serious threats to other students, staff or the school. Between 2004-2009, 47,000 tickets were issued by the Los Angeles Police Department and the Los Angeles School Police Department (LASPD) for truancy alone. An additional 37,500 tickets and arrests took place between 2009-2011 by just the Los Angeles School Police Department for incidents as minor as truancy, disturbing the peace, vandalism and petty theft.²³

In a recent survey of 954 middle and high school students in the Los Angeles Unified School District, youth reported on the police activity we have experienced in our schools:²⁴

- Police handcuffing students inside and outside school – 81.3%
- Police stopping and frisking students in and around school - 64.9%
- Metal detectors to enter school - 31.6%
- Police and/or security doing locker searches - 49.8%
- Police and/or security doing backpack searches - 71.3%
- Dogs are brought into and/or around school to search for drugs - 47.2%
- Students are searched or disciplined for having markers - 58.4%
- Students are searched or disciplined for having tagging on their backpack or notebooks, or for having a “piece” book (with their drawings) - 51.8%
- Police arrest students for fist fights - 67.9%
- Police arrest or pull students out of class for talking back to teachers - 37.5%
- Police and/or security claim students are in a gang - 43.3%
- The school has a “room” for detaining students—like a police holding room – 39.1%
- Police push you to leave school at the end of the school day when you are hanging out at school - 40.1%



²² Justice for Families, *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice* 27 (September 2012), available at http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf.

²³ The Center for Public Integrity, *Los Angeles school police still ticketing thousands of students* (Dec. 27, 2012), available at <http://www.publicintegrity.org/2012/12/27/11984/los-angeles-school-police-still-ticketing-thousands-young-students>.

²⁴ Survey results on file with Youth Justice Coalition, www.youth4justice.org.

- Police counsel or support students - 17.7%
- Police help solve conflicts without punishing or arresting people - 16.5%
- The school is surrounded by high security fences, barbed wire and/or security gates on the windows - 36.7%
- The school has no open grass or trees - 47.6%
- The school, police or security have stopped you from speaking out or trying to organize for changes (such as passing out flyers) - 19.9%
- The school police or security have stopped you from having a rally or marching out of school - 21.5%

Across the country, this kind of policing in our schools is nearly always happening in response to non-violent and minor “rule” breaking. In Meridian, Mississippi, a Black male student in the 8th grade was put on probation by a youth court judge for getting into a fight. Since then, he has estimated that he has gone back and forth between school and the juvenile court system at least thirty times. Any infraction, even some as minor as being a few minutes late to class or wearing the wrong color socks in violation of the dress code, was counted as a violation of his probation and resulted in immediate suspension and incarceration in the local juvenile detention center.²⁵

In one of Mississippi’s largest school districts, Jackson Public Schools, only 4% of school-based arrests during the 2010-2011 school year were for behavior that actually threatened students, staff, or the school. In fact, the most common “offense,” accounting for one-third of all arrests on school grounds, was for “disorderly conduct.”²⁶ In Holmes County, Mississippi students are suspended for wearing the wrong color belts, undershirts and shoes to school.²⁷ Students are still paddled in Mississippi – yes, corporal punishment is still in the Mississippi schools!²⁸

In Philadelphia, Pennsylvania, students have reported being arrested in school for such low-level behaviors as talking back to an adult, smoking cigarettes, having a cell phone in school, and being late or cutting a class.²⁹

We are *already* getting searched in our classrooms and hallways by police and drug-sniffing dogs; most of our schools have more police and probation officers than guidance counselors; police raids and lock-downs of our campuses are common and increase the violence and fear; school security, school police and local police often increase conflicts in school or misread the roots of conflict; police and other school staff are using language, actions and policies that are racist, homophobic, anti-immigrant and sexist - increasing violence against individuals and groups of students; school staff no longer controls school discipline, so police regularly arrest people for things better handled at schools; we are sent to detention for being late and sprayed with mace for fighting, or simply arguing intensely; when fights occur, we are treated like prisoners - our schools are put on lockdown, and everyone is ordered to eat lunch or walk the halls without talking.

²⁵ Julianne Hing, “The Shocking Details of a Mississippi School-to-Prison Pipeline,” *Colorlines News for Action* (Nov. 26, 2012), available at http://colorlines.com/archives/2012/11/school_prison_pipeline_meridian.html.

²⁶ ACLU of Mississippi, Advancement Project, Mississippi State Conference of the NAACP, & Mississippi Coalition for the Prevention of Schoolhouse to Jailhouse, *Handcuffs on Success: The Extreme School Discipline Crisis in Mississippi Public Schools* 10 (January 2013).

²⁷ *Holmes County School District Student Handbook 2012-13*, available at <http://www.holmescountyschools.com/education/components/docmgr/default.php?sectiondetailid=184&>.

²⁸ The Center for Effective Discipline, U.S.: Corporal Punishment and Paddling Statistics by State and Race, www.stophitting.com/index.php?page=statesbanning (last visited Mar. 31, 2013).

²⁹ Youth United for Change & Advancement Project, *Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison* 7-8 (January 2011).

Yet, within hours of the Sandy Hook shooting, schools in our communities were increasing the presence of police and security *even more*. In Grenada, Mississippi, a high school installed metal detectors. When a student asked why, school administrators told her that the equipment was added because of the Newtown shootings.³⁰ In Los Angeles, LAPD Chief, Charlie Beck, implemented increased police patrols and check-ins inside and around schools – including elementary schools. The community, students and parents were not consulted prior to making either of these policy changes.³¹

And, all this occurs while our school newspapers are censored; we have little or no say in the running of our schools or the choosing of curriculum; student, teacher and parent solutions to school safety are usually not supported; and we still get a white-washed version of history, language and culture that adds to our anger at school and to inter-group tension and violence.

7. Schools that are heavily policed have higher rates of school push-out and – as a result – lower graduation rates.

Nationally, schools with high rates of suspension and expulsion also tend to have lower test scores and lower graduation rates.³²

In Texas, a recent comprehensive study of the schools in that state showed that repeated suspensions and expulsions predicted poor academic outcomes. Only 40% of those students who were disciplined 11 or more times graduated from high school, and 31% of students disciplined one or more times repeated their grade at least once.³³



8. Police in and around schools are also much more expensive than more effective school safety strategies.

A recent estimate by the Oakland, California Police Department puts the cost of training and equipping a single *rookie* police officer at \$165,000, and that is not even including the officer's salary.³⁴ That's at least three times what it would cost to hire a community intervention/peacebuilder, and more than twice as much as an experienced school counselor or social worker.³⁵

³⁰ Galen Holley, "New safety measures at schools," *Grenada Star* (Jan. 18, 2013), available at <http://www.grenadastar.com/contentitem/251377/1218/new-safety-measures-at-schools>.

³¹ Joel Rubin, Howard Blume, & Andrew Blankstein, "In wake of Newtown tragedy, LAPD to step up presence at elementary, middle schools," *Los Angeles Times* (Dec. 17, 2012), available at <http://articles.latimes.com/2012/dec/17/local/la-me-lapd-security-20121218>.

³² Daniel Losen & Jonathan Gillespie, *Opportunity Suspended: The Disparate Impact of Disciplinary Exclusion from School* 42 (August 2012), available at <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-crr-research>.

³³ The Council of State Governments, Justice Center, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* xi (July 2011), available at <http://justicecenter.csg.org/resources/juveniles>.

³⁴ Matthai Kuruville, "Oakland envisions 210 new officers," *SFGate* (Mar. 27, 2013), available at <http://www.sfgate.com/crime/article/Oakland-chief-envisions-210-new-officers-4340891.php>.

³⁵ The Labor Department reports that last year, school counselors made a median salary of \$54,130. U.S. News, *School Counselor: Salary*, www.money.usnews.com/careers/best-jobs/school-counselor/salary. Child and family social workers made a median salary of \$40,680. U.S. News, *Child & Family Social Worker*, www.money.usnews.com/careers/best-jobs/child-and-family-social-worker.

Once we get arrested, the cost differences are even more extreme. The annual average cost of a juvenile detention bed for a young person ranges from \$32,000 to \$65,000, with some bigger cities paying far more.³⁶ For example, in New York, the average annual cost of one bed in secure juvenile detention in 2009 was \$226,320.³⁷ The California Division of Juvenile Justice spends, on average, \$225,000 a year to lock up one youth in a cell.³⁸ It would cost the same to send three youth to Harvard University with full tuition, room and board, books and expenses - an estimated \$59,950 - \$65,150 per student.³⁹



In addition, 81% of the youth locked up⁴⁰ and 76% of the adults locked up by the state of California are rearrested within three years of their release.⁴¹ When our schools fail to graduate half the students, they are threatened by state takeovers, charter school conversions, even closings. But when the police, court and prison system fails, they get even more money to fix themselves.

In Los Angeles, just 1 percent of the funding for the Los Angeles Police Department, Los Angeles County Sheriffs, District Attorney's Office, City Attorney's Office and County Probation Department is \$100 million dollars, enough to fund 50 youth center in schools and communities, each with a \$500,000 a year budget, open 3pm – midnight after school and on weekends, year around; 500 full time intervention/peacebuilders, and 25,000 youth jobs. That doesn't include any funding from L.A. County's 65 other police departments.⁴²

In the 1970s, before the massive expansion of the prison system, California had one of the best K-college school systems in the world. But in the last 33 years, the state built 21 prisons and only one college campus,⁴³ and now, the state ranks first in prison spending (and second in per capita spending on corrections),⁴⁴ number 49 in annual school spending for K-12,⁴⁵ and last in higher education spending. Despite that history, California is investing billions more to build additional jails and prisons.⁴⁶

³⁶ Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* 10-11 (2011), available at http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf.

³⁷ The Correctional Association of New York, *Juvenile Detention in New York City* (2012), available at http://www.correctionalassociation.org/wp-content/uploads/2012/05/detention_fact_sheet_2010.pdf.

³⁸ The California Report, *California Counties Struggle to Take Over Juvenile Justice* (Mar. 23, 2011), available at <http://www.californiareport.org/archive/R201103230850/a>.

³⁹ Harvard College Financial Aid Office, *Overview: Cost of Attendance*, <http://www.fao.fas.harvard.edu/icb/icb.do?keyword=k51861&pageid=icb.page246752> (last visited Mar. 27, 2013).

⁴⁰ California Department of Corrections and Rehabilitation, *2010 Juvenile Justice Outcome Evaluation Report: Youth Released from the Division of Juvenile Justice in Fiscal Year 2004-05* 10 (August 2010), available at http://www.cdcr.ca.gov/Reports_Research/docs/Recidivism%20Report.FY0405.%20FINAL.DJJ.pdf.

⁴¹ California Department of Corrections and Rehabilitation, *2011 Adult Institutions Outcome Evaluation Report* 55 (November 2011), available at [http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/ARB_FY_0607_Recidivism_Report_\(11-23-11\).pdf](http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/ARB_FY_0607_Recidivism_Report_(11-23-11).pdf).

⁴² Youth Justice Coalition, *Cross the Line, Why L.A. Must Challenge the Idea that Police Budgets are Untouchable in order to Support Youth and Build Safer Communities* (First Release June 2011; Updated, December 2012).

⁴³ James Joyner, "America's Prison Culture Destroying Our Future," *Outside the Beltway* (Mar. 31, 2012), available at <http://www.outsidethebeltway.com/americas-prison-culture-destroying-our-future/>.

⁴⁴ Sarah Lawrence, The Chief Justice Earl Warren Institute on Law and Social Policy at U.C. Berkeley School of Law, *California in Context: How Does California's Criminal Justice System Compare to Other States?* 7 (Sept. 2012), available at http://www.law.berkeley.edu/files/bccj/CA_in_Context_Policy_Brief_Sept_2012_Final.pdf.

The Differences Between Community Intervention Workers and Law Enforcement Officers

VIEW OF L.A.: Police are trained to see youth, families and neighborhoods based on what's broken, what needs to be fixed, what is lacking, and what makes people either potential victims or perpetrators. Profiling is a key aspect of police training.

EAR TO COMMAND: Working within a military hierarchy, listening to superiors and following orders are the most essential skills of an officer. In order to maintain strict discipline and ensure advancement on the job.

ON THE CLOCK: LAPD Officers (and other police in L.A. County) receive overtime for hours above a 40-hour workweek. The 40-hour week includes paid lunch, sick leave and vacation time. They also have the option of longer shifts, working 4 days on, 3 days off, or 3 days on 4 days off.

TOOLS: A loaded gun – which is carried at all times on and off duty – (LAPD rookies are issued a semi-automatic Glock 22,40 caliber), Oleoresin Capsicum (OC) spray, a X26 Taser, a baton, a bullet proof vest, a radio, and handcuffs, all the equipment necessary to “subdue and detain any threat.” Even the best-known officers are seen by the community as “armed and potentially dangerous.”

TOOLS: A cell phone with access to e-mail and texts to be notified immediately of all shootings and emergencies. Despite the fact that many interventionists have been killed or severely injured, they choose not to wear bulletproof vests, because this could reduce the street credibility and respect they need to build trust and save lives.

SUCCESS: Is measured by drops in crime and increases in arrests.

UNIFORM: The maintenance of a crisp uniform, a badge and boots establish an officer's demeanor as strict, in control, and separate from the civilian world/community.

VIEW OF L.A.: Interventionists see youth, families and neighborhoods according to their strengths and potential, and as a key asset to L.A.'s future. The work focuses on linking people to what they need to succeed.

EAR TO THE STREET: Listening to the community is the most essential skill of an interventionist. Including controlling rumors, preventing retaliations, hearing and addressing youth and families concerns, mediating conflicts, and building truces and cease fires between enemy neighborhoods and individuals.

FADED TATTOOS: and tattoos removed indicate that an interventionist is from the streets, but no longer ruled by the streets. Because an interventionist is rooted in community, they have the trust and relationships – both in the neighborhood and in jails and prisons – needed to solve conflicts and prevent future violence. This is known in the field as a “license to operate.”

NO CLOCK: The City and County of L.A.'s paid interventionists are required to be on call, 24-7, 365 days a year, but are paid for only 40 hours or less a week. In addition, 100% of both the paid and volunteer peace workers surveyed reported that they are on call 24-7, every day of the year.

SUCCESS: is measured by the number of lives saved, the number of conflicts solved, and the fights, shootings and wars prevented.

UNIFORM: Comfortable and casual, the interventionist is most often seen in a polo, hoodie or windbreaker with a logo and/or positive message aimed at stopping the violence. Comfortable sneakers enable them to chase a youth down and get them into school, out of a fight or safety home. Their look communicates that they are accessible and friendly.

Cost to tax payers of a First Year LAPD Officer Salary (without overtime), benefits, uniform, equipment, training and car: \$150,000. This does not include supervision, life insurance and retirement/pension costs, all of which are also paid from local tax revenues.

Cost to tax payers of an experienced Community Intervention/Peace Worker: Approximately 85% of L.A. County's Community Intervention/Peace Workers are volunteers. 10% work part-time for \$8-\$13 an hour. The YJC estimates that approximately 5% of interventionists – about 50 people in the County – receive full-time salaries through City or County funds at an average* annual cost of \$50,000 or less per person, including FT salaries ranging from \$18,000 - \$35,000, minimum benefits, one-time equipment costs consisting of a phone, and minimal training costs. Even salaried intervention workers report that they pay for their monthly phone charges, travel (gas and maintenance on their own car), and uniform. Interventionists do not receive life insurance or government retirement/pensions. A minute number of peace workers earn more than \$35,000 a year. Most have been doing the work for years, some for decades.

⁴⁵ Fareed Zakaria, “Zakaria: Incarceration nation,” *CNN* (Mar. 30, 2012), available at <http://globalpublicsquare.blogs.cnn.com/2012/03/30/zakaria-incarceration-nation-2/>.

⁴⁶ See Hansook Oh & Mona Adem, “California budgets \$1 billion more to prisons than higher education and leaves students hanging,” *Daily Sundial* (Sept. 19, 2012), available at <http://sundial.csun.edu/2012/09/california-budgets-1-billion-more-to-prisons-than-higher-education-and-leaves-students-hanging/>.

Unfortunately, California is not alone. Across the country, we are spending more on policing and locking up youth and other people, and less on schools. In 2008-2009, for 33 of the 50 states, spending on corrections consumed a larger proportion of state general fund dollars than it had in the previous year, and general fund spending for K-12 and higher education decreased.⁴⁷

Even the federal government's National Juvenile Justice and Delinquency Prevention Coalition, does not prioritize increased law enforcement in either schools or the streets in its 2013-2014 recommendations to the administration on how to promote safe communities. Instead, NJJDP calls for the President to: Restore federal leadership in juvenile justice policy; Support and prioritize prevention, early intervention, and diversion strategies; Ensure safety and fairness for court involved youth; Remove youth from the adult criminal justice system; and Support youth reentry.⁴⁸

9. Students who are pushed out of school are most often pushed into an inferior, substandard education.

Once we are pushed out, we often find ourselves isolated in our local districts' least resourced schools – alternative, continuation and probation schools with far less mental health and special education (IEP) classes, little enrichment (sports, music and arts), and none of the college prep classes necessary for entrance to a university. These are the very resources that provide college and career options necessary for the economic survival and progress of all students, without which, many of us are trapped in poverty - surviving on sweatshop wages, forced into the military, or hustling on the streets until we end up as slave labor within the prison system or as a mortician's paycheck.

For example, in Atlanta, until a lawsuit was filed, the school district's alternative school program was run by a private company that ran the school like a prison, subjected students to routine body searches, left them unprotected against violence, and failed to educate them.⁴⁹

In Mississippi, staff at an alternative school engaged in the practice of shackling youth to railings and poles for minor misbehaviors.⁵⁰ And youth and parents of youth attending Mississippi's alternative schools have reported that these schools are a place where students can sleep all day, every day if they choose, where teachers don't teach (one teacher was painting her fingernails when a parent visited!) and where teachers simply direct students to fill out worksheets, instead of helping them learn.⁵¹

In California, a youth who spent most of his teenage years in Los Angeles County probation camps was awarded a high school diploma – despite the fact that he was unable to read or write.⁵² And the ACLU has

⁴⁷ NAACP Smart and Safe Campaign, *Misplaced Priorities: Over Incarcerate, Under Educate* 13 (May 2011), available at <http://www.naacp.org/pages/misplaced-priorities>.

⁴⁸ National Juvenile Justice & Delinquency Prevention Coalition, *Promoting Safe Communities: Recommendations for the Administration, Opportunities for Juvenile Justice & Delinquency Prevention Reform* 2 (2013 – 2014), available at <http://www.sentencingproject.org/doc/NJJDP%20Coalition%20Recommendations-Promoting%20Safe%20Communities%2002-13-13.pdf>.

⁴⁹ Gracie Bonds Staples, "Lawsuit dropped against firm running Atlanta's alternative school," *The Atlanta Journal-Constitution* (July 31, 2009), available at <http://www.ajc.com/news/news/local/lawsuit-dropped-against-firm-running-atlantas-alte/nQJxg/>.

⁵⁰ Press Release, Southern Poverty Law Center, Settlement of SPLC Suit to End Brutal Treatment of Students (May 25, 2012), available at <http://www.splcenter.org/get-informed/news/settlement-of-splc-suit-to-end-brutal-treatment-of-students>.

⁵¹ *Id.* at 36-37.

⁵² Troy Anderson, "ACLU is suing Lancaster youth probation camp," *Daily News Los Angeles* (Jan. 12 2010), available at http://www.dailynews.com/breakingnews/ci_14175878.

sued the Challenger Memorial Youth Center, an alternative school, for making youth paint buildings and pull weeds, instead of teaching them, as well as for some other of the “most egregious failures to deliver education and rehabilitative services to incarcerated youth ever documented in the nation.”⁵³

More and more students are being forced out of comprehensive schools into alternative schools. The National Center for Education Statistics (NCES) estimates that in the seven years between 1994 and 2001, the number of “alternative schools” in our school districts has sharply increased from 2,606 to over 10,000.⁵⁴

10. Students who are pushed out are more likely to be victimized by the violence of the streets.

Injury, incarceration and homicide rates disproportionately impact out-of-school youth.

Nationally, youth without a high school diploma are eight times more likely to go to prison – 68% of the people in prison have no high school diploma,⁵⁵ and about one in every 10 young male high school dropouts is in jail or juvenile detention, compared with one in 35 young male high school graduates.⁵⁶



Once in the prison system, we are also blocked from many educational, housing and job opportunities, making our success even more difficult. This means greater poverty for both us and our families. The system isn't working to prepare us to return home, isn't making communities safer, and is bankrupting our states' abilities to provide education, jobs and community-based youth programs that *would* reduce violence and crime. Lock ups also cause increased “gang” violence and race hatred, drug dependency, and mental illness.

Even more serious than incarceration, when we are on the street, we are in much more danger. In fact, school is by far the safest place in our communities – we are even more likely to be killed or injured in our homes than in our schools. *And the streets – where most out-of-school youth spend most of our time – is the most likely place for Black and Brown youth in the U.S. to be killed.*

Nationally, in 2010, an average of 13 young people between the ages of 10 to 24 were victims of homicide each day.⁵⁷ On Philadelphia streets, there have been 3,084 homicides between January 2006 and December 2012.⁵⁸ In Chicago, since 2008, more than 530 youth have been killed with nearly 80% of the homicides

⁵³ *Id.*

⁵⁴ ACLU Mississippi, *Missing the Mark: Alternative Schools in the State of Mississippi* 14 (Feb. 2009), available at http://www.aclu.org/pdfs/racialjustice/missingthemark_report.pdf.

⁵⁵ Fight Crime Invest in Kids, *School or the Streets: Crime and America's Dropout Crisis* (2008), available at <http://www.fightcrime.org/state/usa/reports/school-or-streets-crime-and-americas-dropout-crisis-2008>.

⁵⁶ Sam Dillon, “Study Finds High Rate of Imprisonment Among Dropouts,” *The New York Times* (Oct. 8, 2009), available at <http://www.nytimes.com/2009/10/09/education/09dropout.html>.

⁵⁷ Center for Disease Control, *Youth Violence Facts at a Glance* (2012) (citing Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online] (2010)).

⁵⁸ #GunCrisis: Philadelphia, Mapped: 3,084 homicides in Philadelphia from January 1, 2006 through yesterday (Dec. 19, 2012), www.guncrisis.org/2012/12/19/new-map-3084-homicides-from-january-1-2006-through-december-18-2012/ (last visited Mar. 28, 2013).

occurring in 22 African-American or Latino communities on the city's South, Southwest and West Sides.⁵⁹ The largest numbers of deaths were of youth between the ages of 18 and 20⁶⁰ – the age at which we start to face the lack of hope and opportunity that exists for out-of-school youth.

The numbers of youth deaths and shootings in Chicago have not been significantly reduced despite efforts by Chicago politicians and police or the concentration of police officers in neighborhoods with high homicides.⁶¹ Community members, youth advocates and youth themselves consistently say that it is nearly impossible to address violence without addressing “extreme racial and economic segregation, lack of job opportunities, limited access to higher education, violence-plagued and under-funded public schools, and a general feeling of hopelessness and marginalization among many Chicago residents.”⁶²

11. School safety policies based on fear also exclude as volunteers and school staff many of the people who are most qualified to build and maintain safe schools.

Blocking access of people with court convictions to work or volunteer in schools serves as a barrier to family involvement, although numerous studies have proven that students do better in school when our families are present. In addition, these restrictions eliminate the very people who are in the best position to build safer schools and communities.⁶³ Unlike police, many people with system experience understand best why troubled youth are struggling in school and can help us stay in school and avoid the traps of the streets and incarceration. They also often have the community relationships and respect needed to solve and prevent future school and neighborhood violence.

12. Schools that are heavily policed also exist in communities that are heavily policed.

On our way to school in the morning, surrounding our schools during the day, after school, nights and on weekends, we are constantly targeted by racist policies ranging from police stop-and-frisks also known as “bump-ups;” to surveillance from camera and helicopter-filled “ghetto bird” skies; to saturation policing on our public transportation, in our housing developments and on our streets. We live in a constant state of fear and paranoia.

Large numbers of law enforcement in schools and communities have also contributed to the labeling of students as “gang members.” In California, youth as young as 10 are entered onto the statewide CalGang Database without notifying them or their parents, without an opportunity to appeal, without clear rights to removal and – once labeled – are often excluded from positive school opportunities and treated differently

⁵⁹ Kari Lydersen & Carlos Javier Ortiz, “More young people are killed in Chicago than any other American city,” *The Chicago Reporter* (Jan. 25, 2012), available at <http://www.chicagoreporter.com/news/2012/01/more-young-people-are-killed-chicago-any-other-american-city>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ See, e.g., Evanthia N. Patrikakou, Center on Innovation & Improvement, *The Power of Parent Involvement: Evidence, Ideas, and Tools for Student Success* (2008) (finding that parent involvement and school-family partnerships, well beyond early childhood and into high school, play a major role in young people’s learning behavior), available at <http://www.centerii.org/techassist/solutionfinding/resources/PowerParInvolve.pdf>.

by both school personnel and school police.⁶⁴ Understandably, policing practices such as these push away many youth from school altogether at a time when we need the safety and positive opportunities schools have to offer more than ever. But similar databases modeled after CalGang have been established throughout the nation.⁶⁵

13. Officials have focused on harsh prosecution and punishment that impact youth of color at much higher rates.

Since the Sandy Hook shooting, many officials are again pushing for harsher court penalties for youth. In the past, laws including gun and gang enhancements, mandatory minimums, and transfer of youth into adult court have disproportionately impacted youth of color and have led to extreme life sentences for youth across the nation, even in cases where no one was injured or killed.



Nationwide, black youth receive the sentence of Life Without the Possibility of Parole (LWOP) at a rate 10 times greater than that of white youth, based on an estimate from 2005.⁶⁶ In California, African American youth were 22.5 times more likely, and in Pennsylvania, Latino youth were 10 times more likely to receive an LWOP sentence than white youth.⁶⁷ Pennsylvania leads the world in the sentencing of youth to LWOP where nearly 500 incarcerated people are currently serving LWOP sentences for crimes they committed as juveniles, and will die behind bars unless laws change.⁶⁸

Recent U.S. Supreme Court cases have found that the sentencing of youth to LWOP for non-homicide cases, and in cases where youth are under 14 constitutes cruel and unusual punishment.⁶⁹ While these cases signify small steps toward progress, tens of thousands of youth are also serving sentences so long that they will not live to see their first parole hearing, even though they are not technically serving LWOP sentences. *Mandatory minimums and gun and gang enhancements that are being proposed since the Newtown shooting are guaranteed to further criminalize youth of color and will lead to extreme and inhumane sentencing of us and our family members.* The United States represents 5% of the world's population, but has 25% of the

⁶⁴ Youth Justice Coalition, *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions* (Dec. 2012) (exposing abuses of the CalGang Database, which includes youth as young as 10 years old, without rights to notification, appeal, removal, and resources), available at <http://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>.

⁶⁵ E.g., Northeast Gang Information System (NEGIS) in Massachusetts and neighboring Northeastern states. Several states, including Arizona, Colorado, Florida, and Illinois have also passed legislation enabling the creation of gang databases. National Gang Center, *Gang-Related Legislation by Subject: Gang Databases*, www.nationalgangcenter.gov/Legislation/Databases (last visited Mar. 28, 2013).

⁶⁶ Press Release, Human Rights Watch, United States: Thousands of Children Sentenced to Life without Parole (Oct. 12, 2005), available at <http://www.hrw.org/news/2005/10/11/united-states-thousands-children-sentenced-life-without-parole>.

⁶⁷ *Id.*

⁶⁸ Juvenile Law Center, "Juvenile Life Without Parole," www.jlc.org/current-initiatives/promoting-fairness-courts/juvenile-life-without-parole (last visited Mar. 28, 2013).

⁶⁹ *Miller v. Alabama*, 132 S. Ct. 2455 (2012); *Graham v. Florida*, 130 S. Ct. 2011 (2009).

world's prison population.⁷⁰ And, the U.S. remains the only country in the world that sentences youth to die in prison.⁷¹

14. Guns are much more likely to kill unintended victims than targets.

The National Rifle Association has recommended that teachers be armed to protect students.⁷² California Senator Barbara Boxer has introduced legislation to have the National Guard and additional armed police at schools across the country.⁷³ In rural Arizona, unpaid volunteers with the Sheriffs Department are patrolling the schools with guns, *for free*.⁷⁴

For all of us who have grown up around guns, the idea that guns make us safer is ridiculous. America is addicted to guns, and that addiction is killing us:

- The U.S. government estimated there were 310 million firearms owned by civilians in 2009 - nearly as many weapons as the total population.⁷⁵
- The U.S. has the highest gun ownership in the world – there is an average of 88 guns for every 100 people in America, compared to six guns per 100 people in England.⁷⁶
- Every year, there is an average of about 30,000 firearm deaths in the U.S..⁷⁷
- Over a million people have been killed with guns in the United States since 1968 when Dr. Martin Luther King, Jr. and Robert F. Kennedy were assassinated.⁷⁸
- If you compare the U.S. to the other 22 populated, high-income countries, 80% of all firearm deaths happen here.⁷⁹



⁷⁰ American Civil Liberties Union, Infographic: Combating Mass Incarceration – The Facts (June 17, 2011), www.aclu.org/combating-mass-incarceration-facts-0 (last visited Mar. 28, 2013).

⁷¹ Juvenile Law Center, “Juvenile Life Without Parole,” www.jlc.org/current-initiatives/promoting-fairness-courts/juvenile-life-without-parole (last visited Mar. 28, 2013).

⁷² “Arm teachers, NRA official suggests,” *NBCNews.com* (Mar. 25, 2013), available at <http://www.nbcnews.com/id/7297575/#.UVTYIZOcfco>.

⁷³ Press Release, U.S. Senator Barbara Boxer, Boxer Introduces Legislation to Strengthen School Safety (Dec. 19, 2013), available at <http://boxer.senate.gov/en/press/releases/121912.cfm>.

⁷⁴ Fernanda Santos, “An Added Mission for Arizona Sheriff’s Immigration Posse: School Patrols,” *The New York Times* (Jan. 16, 2013), available at <http://www.nytimes.com/2013/01/17/us/arizona-sheriff-adds-school-patrols-to-posses-duties.html>.

⁷⁵ William J. Krouse, Congressional Research Service, *Gun Control Legislation* 8 (Nov. 14, 2012), available at http://assets.opencrs.com/rpts/RL32842_20121114.pdf.

⁷⁶ Simon Rogers, “DataBlog: Gun homicides and gun ownership listed by country,” *The Guardian* (July 22, 2012), available at <http://www.guardian.co.uk/news/datablog/2012/jul/22/gun-homicides-ownership-world-list>.

⁷⁷ GunPolicy.org, United States — Gun Facts, Figures and the Law, www.gunpolicy.org/firearms/region/united-states (last visited Mar. 28, 2013).

⁷⁸ Bill Weir, “Gun Deaths: A Familiar American Experience,” *ABC News* (July 21, 2012), available at <http://abcnews.go.com/blogs/headlines/2012/07/gun-deaths-a-familiar-american-experience/>.

⁷⁹ Erin G. Richardson & David Hemenway, “Homicide, Suicide and Unintentional Firearm Fatality: Comparing the United States with Other High-Income Countries, 2003,” *70 J. Trauma Inj. Infection & Critical Care* 238, 240 (June 2010).

- From 1976 to 2005, 77 percent of murder victims between the ages of 15-17 died from gun-related injuries.⁸⁰
- An estimated 41% of gun-related homicides and 94% of gun-related suicides would not happen if no guns had been present.⁸¹
- Gun related suicides are at their highest rate since 1998; nearly 20,000 people in 2010.⁸²
- Guns in the home lead to higher rates of homicides, suicides and unintentional shootings.⁸³ This includes increasing the chance of a suicide by three to five times than in homes without guns.⁸⁴ A simple fight between family members turns into a murder; a bad night with too much alcohol turns into a suicide; and childhood game turns into an accidental killing.
- Approximately 500,000 guns are stolen every year.⁸⁵ So guns bought for home and business protection also end up on the streets in significant numbers.
- And numerous school shootings – including the most recent murders at Sandy Hook Elementary School – occurred when people took guns purchased “legally” by their own family members.⁸⁶
- Across the nation, gun homicides are down to their lowest levels since 1981. ***But, what’s not being reported is that gun injuries are going up.***⁸⁷ No doubt, there is a lot of good work happening by youth and intervention workers to hold down peace in many communities, and that is saving lives. But, we think there’s another reason why homicide is down while attempted murders and other gun injuries are up – medical advances are keeping more people alive. It’s important to look at injuries we are suffering, not just homicides.

15. Any gun control strategy has to address gun manufacturing, as well as how the guns get to our streets.

Traditional gun control strategies will do little to impact gun violence in poor communities and communities of color.

Here’s what we do know – no one in the hood makes guns.

Until a few years ago, and for the past four decades when Los Angeles was known as the “gang capital of the world,” L.A., Orange and Riverside Counties also made up the “ring of fire” – the world’s leading manufacturer of guns – including handguns. At one point, it was estimated that in 1992 alone, approximately 577,000 crimes were



⁸⁰ National Institute of Justice, Who Is Most Affected by Gun Violence?, www.nij.gov/topics/crime/gun-violence/affected.htm (last visited Mar. 28, 2013).

⁸¹ Douglas J. Wiebe, PhD., “Homicide and Suicide Risks Associated With Firearms in the Home: A National Case-Control Study,” 41 *Annals Emergency Med.* 771-82 (2003).

⁸² FactCheck.org, Firearm Facts, www.factcheck.org/UploadedFiles/2012/12/FirearmFacts.png (last visited Mar. 28, 2013).

⁸³ Susan Perry, “The health risk of having a gun in the home,” *Minneapolis Post* (Dec. 17, 2012), available at <http://www.minnpost.com/second-opinion/2012/12/health-risk-having-gun-home>.

⁸⁴ Illinois Council Against Handgun Violence, Facts About Suicide and Gun Violence, www.ichv.org/facts-about-suicide-and-gun-violence/ (last visited Mar. 28, 2013).

⁸⁵ Johns Hopkins University, “Fact Sheet: Stolen Guns,” www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/guns_theft_fs.pdf (last visited Mar. 28, 2013).

⁸⁶ See Michael Melia & Ted Shaffrey, “Adam Lanza, Newtown Gunman, Had An Arsenal of Weapons, Gun Safe, Swords, Search Warrants Reveal,” *HuffingtonPost.com* (Mar. 28, 2013), available at http://www.huffingtonpost.com/2013/03/28/newtown-shooting-search-warrants_n_2970351.html.

⁸⁷ FactCheck.org, Firearm Facts, www.factcheck.org/UploadedFiles/2012/12/FirearmFacts.png (last visited Mar. 28, 2013).

committed with a handgun manufactured by companies related to the “ring of fire.”⁸⁸ Where was the accountability for the people who make the guns and rake in billions of profits? As the 11, 12 and 13 year-olds get life sentences or a six-foot grave, the gun manufacturers make billions in profits. Similarly, the ports and train yards of Los Angeles County continue to export more weapons than any other place in the world. The horrific increase in gun violence in Mexico is directly connected to guns made in the U.S. More than 47,000 people in Mexico have been killed in the past six years. And in the past five years, Mexican authorities have recovered 68,000 guns that have been traced back to the United States – including some to law enforcement and the military.⁸⁹

And the situation is getting worse. Gun manufacturing is up. The number of guns manufactured each year in the U.S. grew from 2.9 million in 2001 to nearly 5.5 million in 2010.⁹⁰ Another 2.84 million foreign-made guns were imported in 2010.⁹¹

In 2008, the firearms industry in the U.S. made \$31 billion, up \$12 billion from 2008 earnings.⁹² In 2011, U.S. companies manufactured more than 6.1 million guns, nearly doubling what was produced in 2007 – 3.7 million.⁹³

We agree with President Obama’s and advocates’ plans to ban assault weapons and increase background checks. But, this will do little to impact the bloodshed on our streets. Black and Latino youth are rarely killed by so-called “legal guns,” and many of our states already have strict gun laws.

To save our lives, this is what’s needed:

- Saturate our communities with jobs. Make it easier to find a job or a youth center than to find a gun. *It’s no mystery why we’re on the street – we need to eat.*
- Fill every neighborhood and school with peacebuilders that can build truces and cease fires between groups, reduce rumors and retaliations, and take guns from the streets and redirect people to opportunities.
- Create school and community education programs to reduce America’s addiction to guns.
- Address Post Traumatic Stress Disorder among people who have experienced extreme violence to reduce our perceived need to be armed to protect ourselves.



⁸⁸ PBS Frontline, Ring of Fire Guns and Crime, www.pbs.org/wgbh/pages/frontline/shows/guns/ring/crime.html (last visited Mar. 28, 2013).

⁸⁹ Pete Yost, “Guns in Mexico Traced to U.S.,” *Washington Post* (April 27, 2012), available at http://articles.washingtonpost.com/2012-04-27/politics/35454066_1_operation-fast-and-furious-assault-weapons-gun-traffic.

⁹⁰ Bureau of Alcohol, Tobacco, Firearms and Explosives, *Firearms Commerce in the United States: Annual Statistical Update 2012 1* (2012), available at <http://www.atf.gov/publications/firearms/050412-firearms-commerce-in-the-us-annual-statistical-update-2012.pdf>.

⁹¹ *Id.*

⁹² Harry Bradford, “25 statistics on the Firearm Industry,” *HuffingtonPost.com* (Dec. 14, 2012), available at http://www.huffingtonpost.com/2012/12/14/statistics-firearms-industry_n_2303336.html.

⁹³ FactCheck.org, Firearm Facts, www.factcheck.org/UploadedFiles/2012/12/FirearmFacts.png (last visited Mar. 28, 2013).

- Each murder costs as much as \$17 million in police investigation, court and incarceration costs – and that doesn't even include first responder, medical and burial expenses.⁹⁴ Overall, gun violence costs taxpayers \$100 billion a year, with over \$15 billion attributable to gun violence against youth.⁹⁵ For every decrease in the attempted murder and homicide rates, redirect the cost savings back to our communities for increased jobs and the positive solutions called for in this statement. After all, if we're building and maintaining peace in our schools and communities, *we should benefit* not officials and law enforcement.
- Increase gun buy-back programs where people can turn in guns – no questions asked – for food or cash. Destroy all guns that are collected.
- Stop the manufacturing and sale of handguns.
- Stop the ability of gun manufacturers to donate to political campaigns, and – until that's possible – expose where officials get their money. In 2012, 96 percent of the 3 million dollars donated to political campaigns by gun lobbyists went to Republicans.⁹⁶
- Go after people who use their ability to pass the background check to buy weapons and ammunition from gun stores and gun shows and resell them to the streets.
- Eliminate sales of weapons and ammunition at gun shows, swap meets and online.
- Hold gun manufacturers responsible for homicides and injuries in the same way that cigarette manufacturers are held accountable and have to pay for prevention, intervention and health care costs.
- Address police use of deadly force and replace law enforcement's over-reliance on guns with better negotiation skills and non-lethal technology.

16. America's addiction to guns corresponds with our reliance on armed law enforcement to solve all school and community problems.

We know first-hand that the military technology used to arm America's aggression and wars outside the U.S. are also used on our streets and in our schools. Police in communities of color are armed with helicopters, battering rams, militarized swat units and high-powered assault weapons, because the unfortunate mentality is that they are engaged in an urban war against civilian populations.



Fontana Unified School District police in Fontana, California purchased fourteen Colt LE6940 rifles last fall, and they were delivered the first week of December — a week before the shooting at Sandy Hook Elementary School.⁹⁷ The school police already carry revolvers. Over the holiday break, the district's 14 school police officers received 40 hours of training on the high-powered assault rifles that the school police bought with fingerprinting fees. Police claimed that the rifles were needed to protect students, although the decision was

⁹⁴ Matt DeLisi, et. al., "Murder by the numbers: monetary costs imposed by a sample of homicide offenders, 21 *J. Forensic Psychiatry & Psychol.* 501, 506 (August 2010).

⁹⁵ Philip J. Cook & Jens Ludwig, "The Costs of Gun Violence Against Children," 12 *The Future of Children* 86, 97 (2002).

⁹⁶ Harry Bradford, "25 statistics on the Firearm Industry," *HuffingtonPost.com* (Dec. 14, 2012), available at http://www.huffingtonpost.com/2012/12/14/statistics-firearms-industry_n_2303336.html.

⁹⁷ Stephen Ceasar, "Fontana school police are armed with semiautomatic rifles," *Los Angeles Times* (Jan. 23, 2013), available at <http://articles.latimes.com/2013/jan/23/local/la-me-fontana-rifles-20130124>.

made without the request by students or parents, and without any school district hearing or community oversight.⁹⁸

Meanwhile, with all the money spent to hire and arm school resource officers and school police, there's no funds left for the resources that do work to build safer schools.

17. There is a real and legitimate fear of law enforcement in poor communities and communities of color that must be addressed if we are ever to solve violence in our nation.

For youth of color, having police in and around our schools scares many of us away. A lot of our parents felt they had to teach us at a young age how to protect ourselves when getting stopped by the police – not because they expected us to be criminals, but because they knew the police would *treat* most of us like we *were* criminals. U.S. law enforcement – in the streets, in schools, and in detention centers and prisons – has a long and continuing record as an oppressive force that has specifically targeted, harassed, assaulted and taken the lives of far too many youth of color.

From 2007 to the present, at least 232 community members, at least 195 of whom were people of color and mostly black and brown youth, have been killed by an “officer-involved” gunshot.⁹⁹ In 2012 alone, 120 Black people were killed by the police in the United States, that's one every 36 hours, 29% of who were youth under the age of 21.¹⁰⁰

The fear, mistrust, and trauma caused by police violence are real and painful for us. From Trayvon Martin in Sanford, Sean Bell in New York City, Devon Brown in Los Angeles, Oscar Grant in Oakland, Michael Nida in Downey, and Kendrec McDade in Pasadena to thousands of other victims of police killings and their families – too many of us have experienced the horrific effects of gun violence at the hands of law enforcement officers.

In signing this statement, we challenge President Obama, Vice President Biden, state and local officials, and all law enforcement to do what's right – not what's political. Don't only support, but also implement, our recommendations. In doing this, those that are considered decision-makers will recognize us as essential experts in violence prevention, and will, most importantly, honor our safety, our schools, and our lives.

Sincerely,

Youth of Color from Across the United States (Our names are listed below, beginning on the next page.)

⁹⁸ Gillian Flaccus, “Fontana School Rifles: California Schools Get High-Powered Colt 6940 Guns,” *HuffingtonPost.com* (Jan. 23, 2013), available at http://www.huffingtonpost.com/2013/01/23/fontana-calif-schools-get_n_2535373.html.

⁹⁹ Los Angeles Times, Homicide Report: Circumstances Officer-Involved, <http://144.142.232.68/homicide/circumstance/officer-involved-shooting/> (last visited Mar. 28, 2013).

¹⁰⁰ Malcolm X Grassroots Movement, *Report on the Extrajudicial Killings of 120 Black People: January 1 to June 30, 2012* 5 (July 2012), available at http://mxgm.org/wp-content/uploads/2012/07/07_24_Report_all_rev_protected.pdf.



Youth of Color

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Alliance for Educational Justice
All of Us or None
Architects / Designers / Planners for Social Responsibility (ADPSR)
Campaign for Youth Justice
Community Justice Network for Youth
Dignity in Schools Campaign
Gay-Straight Alliance Network
Justice for Families

National Economic and Social Rights Initiative (NESRI)
National Juvenile Justice Network
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A New Way of Life, Los Angeles
Activists With A Purpose, Los Angeles
Advocates for Children of New York
Asian Pacific American Legal Center, Los Angeles
Black Organizing Project, Oakland, CA
Blocks Together, Chicago
Boston Area Youth Organizing Project, MA
California Families Working to Abolish Solitary Confinement
California Fund for Youth Organizing
Californians United for a Responsible Budget (CURB)
Capoeira Angola, Los Angeles
Cease Fire, Los Angeles
Center for Community Alternatives, New York, NY
Children's Defense Fund – California
Citizens for a Better Greenville, Greenville, MS
CLEAN Carwash Campaign, Los Angeles
Coalition for Educational Justice, Los Angeles
Coalition to End Sheriff Violence in L.A. Jails, Los Angeles
Communities Against The Prison Industrial Complex, Orange County, CA
Community Asset Development Redefining Education (CADRE), Los Angeles
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Positive Results, Los Angeles
POWER-PAC, Chicago
POWER U, Miami, FL
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Restorative Schools Vision Project, Sacramento, CA
Sistas and Brothas United, Bronx, NY
Teachers Unite, New York, NY
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