



ADDRESSING THE ROOT CAUSES OF CHRONIC ABSENCES AND TRUANCY: DEVELOPING A COMPREHENSIVE APPROACH TO IMPROVING STUDENT ATTENDANCE, ACADEMIC ENGAGEMENT & COMMUNITY HEALTH IN LOS ANGELES COUNTY

Background

- In 1995, the Los Angeles City Council passed Los Angeles Municipal Code (LAMC) § 45.04 which makes it unlawful, with limited exceptions, for any youth under the age of 18 to be in a public place during hours of the day when the youth's school is in session.
- Between 2005 and 2009, the Los Angeles Police Department (LAPD) and the Los Angeles Schools Police Department (LASPD) issued more than 47,000 tickets under the ordinance.¹
- Community Rights Campaign, the ACLU of Southern California, and Public Counsel joined forces to investigate the use of curfew ordinance, its impact on young people in Los Angeles and their families, and to advocate for research-based alternatives to improve student attendance throughout Los Angeles County.
 - More than 75 youth represented by Public Counsel, the ACLU, and their *pro bono* attorneys in the Informal Juvenile Traffic Court from 2009-2011.
 - More than 2,000 youth interviewed and surveyed by organizers and student and parent leaders working with the Community Rights Campaign.
 - 12 California Public Records Act Requests sent to the LAUSD, LASPD, LAPD, and Juvenile Court to obtain data and information regarding the juvenile curfew and its impact.
 - Thousands of pages of documents and data analyzed by our organizations to understand the issues and analyze the impact.
 - Research conducted on the effectiveness of curfew statutes on reducing crime and increasing student education outcomes, and effective alternatives to criminalization.
 - Multiple meetings held with leadership at the LAUSD, IJTC, LASPD, LAPD, and the City to push for reform.

Our Findings

- The curfew ordinance's burdens fall most heavily on low income communities and families who are least able to afford them.² The burdens include:
 - Hefty fines (\$250 per citation plus court fees, which result in fines in the thousands of dollars);
 - For every ticket issued, at least one but in some cases up to three or more days of school missed to attend court hearings;
 - Lost earnings by parents who must accompany children to court;

¹ See "Map of LAMC 45.04 Day-Time Curfew Citations," available at <http://www.thestrategycenter.org/blog/07/30/mapping-lamc-4504-truancy-tickets-geographical-area-race-and-gender>.

² A majority of LAUSD students live in families near or below the poverty line. California Department of Education DataQuest (2010). Daytime curfew enforcement inherently targets lower income students because students from poorer families are more likely to walk or take public transit than their higher income peers, where they may be ticketed. Our research also shows that schools where curfew enforcement has been most aggressive are concentrated in lower income communities.

- Lost average daily attendance funding to our lowest performing schools for each day of school missed to attend court; and
- Accumulated fines that low-income families cannot afford to pay result in youth being denied employment opportunities and driver’s licenses, further preventing them from moving forward as productive citizens.
- The curfew statute is being applied in a manner that disproportionately targets Black and Latino youth in numbers that exceed their percentage of the population.
 - For example, white youth within the LAUSD area received 0 tickets, although they represent 13.18% of total relevant youth. Black youth receiving 16.03% of tickets while representing 9.88% of the underlying population. With respect to LASPD, Latino youth received 71.76% of tickets while representing 67.76% of total youth within LAUSD’s boundaries.³
- The curfew statute is ineffective and wasteful.
 - Substantial research shows that curfew statutes do not reduce crime or juvenile victimization.⁴
 - Substantial research shows that involving youth in the criminal justice system significantly reduces their chance of graduating from high school.⁵
 - By penalizing being in public during school hours, the law encourages students who are running late to simply stay home from school.
 - “I take the bus to school. So if the bus is running late, I sometimes turn around and go home because I do not want to risk getting a truancy ticket.” 12th grade, female student.
 - The law is not addressing the core reasons for why a young person is struggling to get to school: for example, the bus is running late, the student had to help her brothers and sisters get ready for school, she had a doctor’s appointment, she is struggling with mental health issues, she is frightened of school, she has special education needs that are not being addressed, she has a chronic illness, she is being bullied, or the student is not engaged in school or does not see the benefit of an education.
 - Numerous studies have documented that aggressive criminal justice centered policies in and around schools compromise a positive school climate, which undermines student trust and confidence that schools can meet their needs. Rather than serving as a “wake-up call,” punitive policies that exclude students from school are more likely to cause students to feel alienated from the educational system, causing further disengagement from school for at-risk youth.⁶
 - Citations result in unnecessary criminalization and humiliation of youth, with students being detained, handcuffed, fingerprinted, put in the back of police cars, and searched.

³ The data was obtained through Public Records Act requests from LASPD and LADP and included figures for daytime curfew citations for the period 2004-2009. The baseline population for City of Los Angeles includes all 5-17 year old individuals within city bounds, regardless of school enrollment status. See U.S. Census Bureau, 2006-2008 American Community Survey 3-Year Estimates. The baseline population for LAUSD includes all “total relevant children” regardless of school enrollment status. See NCES School District Demographics System, 2008 American Community Survey. “Total relevant children” represents all K-12 age children eligible to enroll in LAUSD, even if they attend a non-LAUSD school. This number includes some individuals under 5 and over 17.

⁴ Kenneth Adams, *The Effectiveness of Juvenile Curfews at Crime Prevention*, 587 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 136, 155 (2003), available at <http://ann.sagepub.com/cgi/content/abstract/587/1/136>; Mike Males and Dan Macallair, 1(2) *An Analysis of Curfew Enforcement and Juvenile Crime in California*, WESTERN CRIMINOLOGY REVIEW (1999), available at <http://wcr.sonoma.edu/v1n2/males.html>; Matthew Lait, *Study Finds Curfew Law Fails to Curb Violent Crime*, L.A.TIMES, February 10, 1998, available at <http://articles.latimes.com/1998/feb/10/local/me-17512>.

⁵ Johanna Wald and Michal Kurlaender, *Connected in Seattle? An Exploratory Study of Student Perceptions of Discipline and Attachments to Teachers* in NEW DIRECTIONS FOR YOUTH DEVELOPMENT: DECONSTRUCTING THE SCHOOL-TO-PRISON PIPELINE at 38 (2003); Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 JUSTICE QUARTERLY 462, 473, 478-79 (2006) (finding that one school based arrest doubles the likelihood that the student will drop out and that if the student appears in court, the likelihood of drop-out nearly quadruples); Jon Gunnar Bernburg & Marvin D. Krohn, *Labeling, life chances, and adult crime: The direct and indirect effects of official intervention in adolescence on crime in early adulthood*. 41 CRIMINOLOGY 287–1318 (2003) (juvenile justice involvement increases likelihood of dropping out by 3.6 times).

⁶ See, e.g., See American Psychological Association Zero Policy Task Force, *Are Zero Tolerance Policies effective in the Schools? An Evidentiary Review and Recommendations*, AMERICAN PSYCHOLOGIST (December 2008) (finding that “zero tolerance policies may create, enhance, or accelerate negative mental health outcomes for youth by creating increases in student alienation, anxiety, rejection, and breaking of healthy adult bonds”); see also Matthew Theriot, *School Resource Officers and the Criminalization of Student Behavior*, 37 J. of Crim. Justi. 280, 285 (2009); Policing in Schools, ACLU White Paper (August 2009).

THE TOP 30: THE CORE COMPONENTS OF A RESEARCH-BASED, COMPREHENSIVE STRATEGY TO IMPROVE SCHOOL ATTENDANCE IN LOS ANGELES COUNTY

- **Repeal or significantly curtail this failed and counterproductive ordinance and the method of court enforcement:**
 1. The ordinance should not be applied to public sidewalks immediately adjacent to school grounds, school entrances, or school grounds;
 2. The ordinance should apply only to young people who are intentionally avoiding school, or are loitering in public places at times when they are required to be in school;
 3. The ordinance should not apply to young people going directly to or returning directly home from a public meeting or a school sporting event, dance or activity;
 4. The ordinance should not apply to a young person who is traveling on his or her way to school, regardless of tardiness;
 5. Tickets should be dismissed if the police officer does document that he or she assessed whether one of the statutory exceptions apply before issuing the citation;
 6. Violations should not be punishable by a fine, but rather students should be directed to participate in community or school resource-based program, such as a tutoring, mentoring, credit recovery, after-school program, or a Teen or Peer Court program.

- **Establish a sensible and sustainable school district-wide approach for ensuring students stay in school by adopting the Baltimore approach, which includes focusing on:**
 1. Real-time, accurate data on attendance for schools and community partners and data-based decision-making;
 2. Recovery, intervention, and prevention rather than punishment and legal intervention;
 3. Effective and engaging instruction, including alternative school models, like Big Picture, for students with different needs;
 4. An inter-system program, which would help to identify at-risk and truant youth and provide a multitude of services, as appropriate;
 5. Intentionally inviting family participation early on, including by making person-to-person contact on the same day of the absence;
 6. Build an early warning system that uses multiple measures of attendance, including suspension;
 7. Reducing absences by reducing suspensions;
 8. Establish a school-going culture, but recognize that the basis of good attendance is having a good school to attend;
 9. Utilize attendance incentives;
 10. Developing an individualized, comprehensive plan for students who need it with incentives, prevention, intervention, and recovery strategies and services, relationship building, case management, and other strategies to address the root causes of truancy.

- **Reform the IJTC court process to focus on solutions and supports rather than fines and court appearances.**
 1. Students who preemptively engage in community and resource-based programs, should be able to submit proof of participation to the court and obtain a dismissal without court appearance to avoid missing further school time and court involvement;
 2. Young people, including those over 18, who cannot afford to pay existing fines, which can be in the thousands of dollars under the current statute, should be given an opportunity to provide proof of graduation from high school, a GED, or engagement in a community program or community service to eliminate the fines;

3. The Juvenile Court should provide a packet of information provided to youth and families that includes a revised statement of legal rights, notice of the charge and defenses, and a survey of interventions and supports received in relation to truancy (English & Spanish);
 4. The Juvenile Court should ensure that the referees explain to every student that they have a right to a hearing before asking whether the student admits guilt;
 5. The Juvenile Court should ensure that each hearing is recorded, if not transcribed, and that rights are explained consistently and accurately to the students and families to ensure that students' due process rights are protected;
 6. The Juvenile Court should ensure that there is a written decision explaining the factual bases for the finding that the student violated LAMC 45.04, finding that none of the valid exceptions in LAMC 45.04(b) apply, finding that the citing police officer complied with 45.04(c) before issuing the citation, and acknowledging all arguments the student provided why the ticket should be dismissed;
 7. The Juvenile Court should ensure the referee explains the right to appeal, and timelines for doing so, if the student contests guilt and is found guilty;
- **Ensure accurate and regular public dissemination of statistics on a bi-annual basis from public agencies with roles in implementing or enforcing policies that affect student attendance.**
 1. Collection and publish data from LAPD, LASPD, the Juvenile Court, and the Sheriff's Department regarding the number of minors cited for daytime curfew offenses, along with the location and time of the citation and the age, ethnicity, race and gender of the minors cited;
 2. Collect and publish data from school districts regarding student attendance, specifically with a focus on chronic absences and severe chronic absences;
 3. Analyze data with stakeholders from multiple agencies to evaluate effectiveness of programs and interventions and to replicate effective models and modify programs, where necessary.