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FACT SHEET 2015

HB 2885

Schools Should Collect and Report Data Each Time a School Police Officer Uses Force Against a Student

OFFICERS IN SCHOOLS ARE COMBATING TYPICAL STUDENT MISBEHAVIOR WITH NIGHTSTICKS, PEPPER SPRAY, AND TASERS

In 1978, only one percent of Texas schools reported having a police presence on campus. Today, most Texas schools report police presence from a local law enforcement agency or from the school district's own police department.¹ According to the Texas Association of School Resource Officers, these police officers fulfill three equal roles: (1) Law Enforcement Officer, maintaining a safe and secure learning environment; (2) Informal Counselor, serving as a confidential source of counseling for students and parents; and (3) Law-Related Presenter, promoting awareness of the law to students.²

But in practice, police officers in schools focus on the first role—that of a law enforcement officer—to the detriment of the other two. This is a natural consequence of the reality that all law enforcement officers receive training on subjects such as interacting with suspects, use of force, and firearms, yet do not receive specialized training on how to work effectively with kids in an educational environment. It should come as no surprise, then, that **officers equipped only with training regarding adult offenders are overreacting in response to typical student misbehavior, treating students no differently than they would any other “perp.”**

Consider the case of Cesar Suquet, a former student at South Houston High School. The then 16-year-old student had an oral argument with on-campus police officer Michael Y'Barbo over the return of Suquet's cell phone, which had been taken away during the school day. **In response to Suquet's use of an expletive, the officer hit Suquet 18 times with a metal baton, including nine blows after the student was on the ground.**³ Suquet sustained deep red bruises on his arms and back, and Pasadena Independent School District is currently facing a lawsuit based on Suquet's injuries.⁴

Sadly, Suquet's case is only one poignant example of the over-criminalization of students happening across the state. As the number of on-campus officers has increased over the last decade, so have the use of Class C misdemeanor tickets in schools,⁵ as well as uses of physical force against students in the form of batons, pepper spray, or Tasers. And recently, at least 10 Texas school districts applied for and received military-grade equipment—including armored plating, military vehicles, and 4,500 rounds of ammunition—through a federal initiative.⁶

Despite the concerning frequency of school officers using force against students, **“neither the Texas Education Agency nor the Texas Commission on Law Enforcement Officer Standards and Education require Texas' 160 school district police departments to keep statistics on when they use force against students.”**⁷ It is therefore imperative that adequate data is collected regarding the ways that on-campus police officers are policing Texas students to ensure that their presence is not counterproductive to students achieving success.

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KEY FINDINGS

- **The increasing use of officers to respond to school misbehavior – and the lack of specialized training for these officers – has corresponded with a dramatic rise in misdemeanor citations issued to Texas students.⁸**
- **Over the past decade, police in schools have been using tools and tactics more commonly reserved for encounters with hostile citizens on the street.**
 - » From 2012 to present, Pasadena, Texas, school police have **used force 129 times, drawing and pointing their firearms 24 times, using pepper spray twice, and using nightsticks 4 times.**⁹
 - » From 2006 to 2009, Austin ISD, which keeps fairly complete police records relative to the rest of the state, reported that its campus police **drew guns on students eight times, used pepper spray 26 times, used Tasers four times, and used police dogs once.** They used **batons or physical force 258 times.**¹⁰
 - » From 2006-2009, El Paso ISD reported that its campus police **used a baton once, pepper spray once, and physical force 34 times** to control students.¹¹
- **Using police tactics against unarmed students has resulted in serious injury and, in some cases, death, as well as a decline in parent confidence in Texas schools to educate and monitor students in a safe and appropriate manner.** Several of these incidents were recorded by students and school security cameras and have gained national attention. Below are some incidents of excessive police violence in Texas caught on tape and shared widely in the news and on social media:
 - » Noe Nino de Rivera was **Tased** by Officer Randy McMillan at Cedar Creek High School in Bastrop, which **caused him to fall and hit his head**, resulting in a **52-day medically induced coma**. He spent **almost three months in intensive care.**¹²
 - » An anonymous young girl was **held down and punched in the face** by an officer at Jefferson High School in San Antonio.¹³
 - » Ixel Perez was **tackled and held down by three officers for cellphone use** at Sam Houston High School in Houston.¹⁴
 - » Officer Steve Rivers **held down and broke the arm** of an unknown student at West Brook High School.¹⁵
 - » Jacob Herrera was **slammed face-first onto the ground** at Sam Houston Middle School in Houston for refusing to remove his rosary beads, which he claimed held sentimental value.¹⁶
 - » Officer George Bermudez of Georgetown ISD was recorded **tripping, grabbing, and shoving students after a soccer game.**¹⁷
 - » Derek Lopez was **shot and killed** by Officer Daniel Alvarado of the Northside Independent School District Police Department in San Antonio. Lopez **was unarmed.**¹⁸
 - » **Six Dallas High School students** were **hospitalized after being exposed to pepper spray** that officers used to break up a fight. The spray **leaked through the school's ventilation system** and led to a full evacuation of the campus.¹⁹
 - » **12 Manor High School students** were **treated for pepper spray exposure** after cops used the spray to break up a fight.²⁰

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS: SUPPORT HB 2885 BY REPRESENTATIVE GIDDINGS

- **HB 2885 will require school districts to report incident-based data describing each time a school police officer uses force against a student.** School districts will report, for each campus, the number of incidents where a physical restraint was administered, a citation issued, or an arrest made of a student. The report must also include information about the individual student, including his or her age, gender, race, and whether the student is eligible for special education services. Importantly, the school district will not be allowed to report personally-identifiable information regarding a student, or reveal the name of an officer involved in an incident. Because this data is currently not gathered, there is a serious gap in transparency and accountability, especially in light of the documented abuses of students by school officers using unnecessary physical force.
- **HB 2885 will equip policy-makers with the data they need to evaluate the appropriateness of school police using tools of physical restraint against Texas students,** and also help restore waning parent confidence in Texas schools as safe environments for their children.

Citations

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