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# THE TEXAS TRIBUNE

## Tickets for 10-Year-Olds

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graphic by: *Jacob Villanueva*

With the rise of get-tough juvenile crime policies across Texas, the municipal courthouse has become the new principal's office for thousands of students who get in fights, curse their teachers or are generally "disorderly" on school campuses — even in elementary schools, according to data collected from school systems by [Texas Appleseed](#), a nonprofit research and advocacy group focusing on social and economic justice.

[Dallas ISD](#)'s police department, for instance, issued criminal citations to 92 10-year-olds in the 2006-07 school year, the latest year for which such data is available. [Alief ISD](#)'s officers issued 163 tickets to elementary school students in 2007. And "several districts ticketed a 6-year-old at least once in the last five years," according to a recent presentation to the state Senate's Criminal Justice Committee by Texas Appleseed. Such tickets, often given for "disorderly conduct" or "classroom disruption," typically are handled in municipal courts or by county justices of the peace and can have fines of between \$250 to \$500, police and court officials say, though some courts route many students into community service in lieu of fines.

The boom in ticket-writing over the last decade or more tracks with the boom in the creation of school district police departments, says Deborah Fowler, Texas Appleseed's legal director. In 1989, only seven school districts in Texas had separate police agencies. Today, more than 160 departments are attached to districts, which Fowler and others attribute to a rising fear of juvenile crime that originated in the 1990s. The trend fits into what Texas Appleseed researchers and others view as a [dangerous melding of education and criminal justice](#) that too often and too early introduces children to the law enforcement arena, often a precursor to prison as an adult.

Texas Appleseed collected such data from 30 different school district police departments. In advance of a planned comprehensive report into the practice, the organization provided The Texas Tribune with data it collected on Houston ISD, Dallas ISD and Austin ISD, along with statistical snippets from other school districts. Houston ISD also provided more updated statistics at the request of the Tribune. Overall, the organization found that young students — often under 14 — are regularly ticketed and that the practice tends to disproportionately target minority students.

Last school year, police in [Houston ISD](#), with an enrollment of about 200,000, wrote 5,763 tickets to students, its department reported to the Tribune. The number of tickets in Houston has ranged between 4,000 and 6,000 since 2005, according to district data. Dallas ISD, with about 150,000 students, wrote nearly about 4,400 tickets in 2006-07, according to data the district reported to Texas Appleseed. (Dallas ISD officials said they could not immediately provide more updated data.) Officers in [Austin ISD](#), with enrollment of more than 80,000, wrote 2,364 tickets in the 2007-08 school year, according to the organization's data, a decline from a peak of more than 3,000 in 2005-06.

“The question becomes whether or not ticketing is an effective method of dealing with a student making noise in class. We’re not talking about the kind of behavior [police] would see on the street,” Fowler says. “The parent ends up bearing the brunt of the fine, time off work and court costs, and it’s not really a meaningful punishment for children. ... Also, there’s a sort of absurdity to issuing a ticket to a 10-year-old child.”

The issue has attracted the attention of members of the [Senate Criminal Justice Committee](#), whose chair, State Sen. [John Whitmire](#), D-Houston, says he plans introduce a bill to curtail the practice, the specifics of which he hasn’t yet determined. “It just seems like the school districts have gone into the criminal justice business,” he says. “I know one thing: We’re going to have all this data reported to the state. That alone could go along way toward fixing this kind of problem.”

Currently, statistics on ticketing are kept only by individual departments, in no uniform format. It took Texas Appleseed more than two years and countless public-records battles with departments across the state to get the information it is currently analyzing, much of which is outdated.

Officials in the Austin and Houston districts said they have made officers there aware of concerns about rampant ticketing being used as a substitute for more traditional discipline measures. Austin ISD General Counsel Mel Waxler says his district has made a conscious effort to reduce the number of tickets, as reflected in a decline over the last three years. Dallas ISD Police Chief [John Blackburn](#) was more outspoken about the value of ticketing as a deterrent. “I definitely think it’s a valuable tool,” says Blackburn, who came to Dallas's department about four years ago after serving as Houston ISD’s police chief. “I’ve been in school district policing for about 15 years. When I first went to Houston ISD, they were just in the process of starting to write tickets, and I saw a significant change in student behavior. The office has a stronger voice to prevent disorder.”

**A "last resort"**

In Austin, the district held a districtwide meeting between principals and police to work through a number of issues, including ticketing, and emphasize that criminal citations should be a “last resort,” Waxler says. “If it came to my attention that we’re not ticketing students as a last resort, I would be in the middle of that issue like wildfire,” Waxler says. “I have the talk with police every year. In fact, I just had it with the captain.”

The district might well give a ticket to a student who assaults another student, particularly if an injury is involved, Waxler says. But in cases of “mutual combat” between two students — campus police parlance for fighting — Waxler hopes the district could handle the matter without police and courts involved.

In Houston ISD, “mutual combat” might well get a student a ticket, says Assistant Police Chief Victor Mitchell. Other situations that prompt tickets might include “creating a disturbance where the teacher can’t teach class” or “if a [student] used profanity and the teacher was offended by it,” Mitchell says.

As a general practice, Mitchell says, the department never writes a ticket unless some other more traditional discipline, such as a suspension, has been meted out first. But it might write tickets on top of such administrative punishments. Also, he says, if a “complainant” — a hacked-off teacher, in other words — doesn’t follow through and show up to court when a student appears, that earns her a spot on the department’s pay-no-mind list. “When you talk about disruption of class activity, the complainant is going to be a school employee,” he says. “If the school employee is going to be a witness, we expect that complainant to go to court. If we find out she didn’t go, it’s not in our best interest to issue citations” based on any future complaints, Mitchell says. “It’s not a disciplinary tool. It’s designed for individuals in violation of the law in a municipal statute.”

Asked if the tickets worked as a deterrent, Mitchell said, “Sometimes. Some kids, it doesn’t even faze them. It’s just a piece of paper. Some kids are concerned because they know their parents are going to be concerned. But some kids have become immune to it.”

In Dallas ISD, Chief Blackburn gives his officers wide latitude to size up offenses and the need for citations on a case-by-case basis. He says the department encourages schools to handle as many incidents as possible through the principal’s office. “We have more than enough to do, I assure you, without going around to write tickets.” Still, more than 4,000 tickets were written by Dallas ISD officers in 2006-07, and though Blackburn and district officials did not have updated data, they did not believe ticketing practices had changed much. As in other districts, fighting might be a common reason for ticketing a student, and “abusive language can be a form of disorderly conduct,” Blackburn says, along with “anything significantly disruptive to the school environment.”

Blackburn doesn’t shy away from addressing critics concerns. He believes the proliferation of campus police departments in Texas — which has led a trend nationally, he says — has been a huge benefit to districts, particularly in urban areas. “One of the things that’s important to realize is that we have over 225 schools, spread over 350 square miles, in all kinds of neighborhoods in a major city in the United States. Whatever issues are in the community will at some point affect

the schools,” he says. “While there may be critics, overall [a police presence] is a good thing and keeps things safe. When you have a school district police department there, there are no other distractions — we are there simply for the schools, the teachers and the students. A small portion of our students really cause the trouble, less than 5 percent. We’re here to deal with the 5 percent so the 95 percent can be safe and learn.”

### **Senatorial scrutiny**

At a Criminal Justice Committee hearing in late April, Sen. Whitmire grilled officials from [Aldine ISD](#) about disciplinary practices in general and tickets in particular. Repeatedly, he pressed for answers on both the rationale for ticketing and the practical effect, injecting often that he felt the practice did little but haul low-income parents into courthouses for low-level student misbehavior and introduce kids to the criminal justice system prematurely.

“Can you tell me why you’d write a ticket,” Whitmire asked, “instead of just ordering a kid to study hall, or to stay after school on a pretty day and write 1,000 times, „The world isn’t big enough for filthy minds?” as a teacher of the senator’s apparently once did.

The question was directed to Aldine’s Ken Knippel, assistant superintendent for safe and secure schools, who replied to similar queries that the number of tickets the district wrote was declining and conceded that ticket-writing “was not a solution” but sometimes an appropriate “consequence for the behavior.”

Such answers didn’t seem to placate Whitmire and some of his colleagues on the committee.

“Do you think the ticket stops the behavior?” Whitmire asked.

“No,” Knippel answered.

“They why do it?”

“I’m not suggesting that tickets are going to be the final answer,” Knippel said.

After the hearing, Knippel noted he’d been told by bosses to be polite as possible in front of the committee, but he said he believed that tickets did have some deterrent value. The senators might not understand, he said, the chaos that can ensue “when you’ve got a high school with 3,000 kids, and two of them decide to get in a fight in a common area in the morning. It can cause quite a scene.”