

ENDNOTES

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- ⁴ Indicators of School Crime and Safety: 2004. National Center for Education Statistics, at 1; Russell Skiba (Summer 2004). Zero Tolerance: The Assumptions and the Facts. *Center for Evaluation & Education Policy*, at 2.
- ⁵ Howard N. Snyder (Sept. 2004). Juvenile Arrests 2002. *Juvenile Bulletin*, U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention.
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- ¹¹⁷ Interview with West Palm Beach Public Defender (May, 2004).
- ¹¹⁸ Florida Department of Law Enforcement, Uniform Crime Reports (2003).
- ¹¹⁹ For purposes of analyzing the data, “miscellaneous” category includes such non-violent offenses as trespass, intimidation, bribery/forgery, failure to appear, violation of probation and others.
- ¹²⁰ Palm Beach County School Board Policy 6Gx-50-5.1811 distinguishes between instances of aggression, including “pushing, pulling, punching or striking,” that do not result in bodily harm and instances that do result in bodily harm, requiring police intervention; the first it defines as an “incident” and the second as a crime.
- ¹²¹ See, School District of Palm Beach County Police Department website at: www.palmbeach.k12.fl.us/schoolpolice/
- ¹²² Lynda Edwards (May 2003). Palm Beach Daily Business Review, Volume 03, No. 5-27, at 1.
- ¹²³ The School District of Palm Beach County, Florida: Analysis of School Police Funding, FY 2000 – FY 2002, Office of Public Affairs (November, 2004), (demonstrating annual increases in funding for the department, up from nearly \$9,000,000.00 in year 2000).
- ¹²⁴ See, Judith A Browne (May 2003). Derailed! The Schoolhouse to Jailhouse Track. Advancement Project, at 23.
- ¹²⁵ Interview with A.C., Palm Beach County Student (October, 2003).
- ¹²⁶ See, Policies of the School Board of Palm Beach County, Chapter 6Gx50-5: Pupil Personnel, policies 5.18 and 5.1812 and 5.1813.
- ¹²⁷ See, Palm Beach County School Board Policy 5.1812: Operational Procedures for Incidents and Actions for Elementary Students (1)(a) and 5.1813: Operational Procedures for Incidents and Actions for Secondary Students (1)(a).
- ¹²⁸ Such incidents commonly fall into the Palm Beach County School Police Department’s arrest category of “simple assault,” which includes an unarmed assault on a student, staff, or police. A large proportion of arrests for Black students fall into this category.
- ¹²⁹ The Matrix indicates that for a fight, “referral to law enforcement” (indicated by RL) is an “additional action.” See: Palm Beach County School Board Policy 6Gx50-5.1813 (2)(a) (“Additional

consequences [those actions from which an administrator MAY ADDITIONALLY choose to impose for more serious or repeated actions] are indicated by an “A”).

¹³⁰ Interviews with four Palm Beach County Students (October 2003).

¹³¹ Fla. Stat. §985.215 (1)(b)(2004).

¹³² See, Megan Twohey (June 1999). *The Wrong Answer to Littleton: the Prosecution of Teenage Crime*. *Washington Monthly* (noting that the juvenile was charged with strong-arm robbery, extortion and petty-theft and could have received a sentence of thirty years to life). Sasha Abramsky (August 2001). *Hard-Time Kids*. *The American Prospect*, Volume 12. See also, Barry Krischer (December 1998). *Prosecuting Violent Juveniles in Adult Court Protects Public*. *Palm Beach Post* (stating, “I make no apology for my aggressive stance in prosecuting violent juvenile crime for what it is, an adult crime committed by a juvenile”).

¹³³ Nathan Epps (March 2004). *A Profile of Florida Delinquency FY 1998/99 – FY 2002/03*. Florida Department of Juvenile Justice, Bureau of Data and Research (demonstrating that of the twenty Judicial Circuits in the state of Florida only the Eleventh Circuit transfers more youth to adult court than the Fifteenth Circuit – which houses Palm Beach County). See also, Palm Beach County Public Defenders Home Page, FAQ General Public at www.pbcgov.com (noting that the State’s Attorney’s Office can “direct file” in cases involving youth as young as fourteen).

¹³⁴ *Id.* (In year 2002-2003, 162 Black male youths were transferred to adult court, while in the same year only 88 White male youths were transferred.)

¹³⁵ See, James Q. Wilson and George L. Kelling (March 1982). *Broken Windows: The Police and Neighborhood Safety*. *The Atlantic Monthly*, Vol. 249, 29-38.

¹³⁶ For example, the New York City Police Department (NYPD) describes zero tolerance as a “full-scale strategic attack on all crime and disorder in the City. In particular it focuses on the enforcement of ‘quality of life offenses’ such as drinking alcoholic beverages in the street, urinating in public, panhandling, loud radios, graffiti, and disorderly conduct. By quickly addressing and correcting these minor problems, the Department sends the message that more serious crime will not be tolerated.” NYPD, *Frequently Asked Questions*, <http://www.nyc.gov/html/nypd/html/misc/pdffaq2.html>

¹³⁷ William Ayers, Bernadine Dohrn, and Rick Ayers (2001). *Zero Tolerance: Resisting the Drive for Punishment in Our Schools*.

¹³⁸ “In 1986 Congress enacted mandatory minimum sentencing laws, which force judges to deliver fixed sentences to individuals convicted of a crime, regardless of culpability or other mitigating factors. Federal mandatory drug sentences are determined based on three factors: the type of drug, weight of the drug mixture (or alleged weight in conspiracy cases), and the number of prior convictions. Judges are unable to consider other important factors such as the offender’s role, motivation, and the likelihood of recidivism.” Drug Policy Alliance, <http://www.drugpolicy.org/drugwar/mandatorymin/>

¹³⁹ Bureau of Justice Statistics, U.S. Department of Justice Office of Justice Programs, *Corrections Statistics*, 2003, <http://www.ojp.usdoj.gov/bjs/correct.htm>

¹⁴⁰ Russell Skiba (Summer 2004). *Zero Tolerance: The Assumptions and the Facts*. *Education Policy Briefs*, Indiana Youth Services, Vol. 2, No. 1. David Osher, et al. (Fall 2003). *Deconstructing the Pipeline: Using Efficacy, Effectiveness, and Cost-Benefit Data to Reduce Minority Youth Incarceration*, 91-120. *Deconstructing the School-to-Prison Pipeline*. *New Directions for Youth Development*.

¹⁴¹ *Id.*

¹⁴² No Child Left Behind Act of 2001, 20 U.S.C.S. §§ 7102 and 7115 (2004) (Safe and Drug Free Schools and Communities).

¹⁴³ This legislation would be similar to the 1988 amendments to the Juvenile Justice and Delinquency Prevention Act passed by Congress requiring that states undertake efforts to reduce racial disparities in the state’s juvenile justice system. See, e.g., <http://ojjdp.ncjrs.org/dmc/>

¹⁴⁴ Conversation with Ranjit Bhagwat, Southwest Youth Collaborative (Dec. 19, 2004).

¹⁴⁵ Interview with Robert Spicer, Community Panels for Youth (Aug. 12, 2004).

¹⁴⁶ U.S. Department of Education, National Center for Education Statistics (NCES). *Statistics of State School Systems and NCES Common Core of Data; State Nonfiscal Survey of Public Elementary/Secondary Education, 1986-1987 through 2001-2002*.

¹⁴⁷ U.S. Department of Education, National Center for Education Statistics, *Common Core of Data, City of Chicago School District and Palm Beach County School District 2002-2003*. *Denver Public Schools, 2003-2004 Facts & Figures*, at <http://www.dpsk12.org/aboutdps/facts/0304facts.pdf>.