

May 17, 2016

The Hon. Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott,

We know that school leaders and school police encounter many challenges as they seek to ensure all Texas kids are able to learn in safe school environments. However, we write to you today in the wake of what are just the two most recent examples of inappropriate uses of force by a school-based law enforcement officer on a student. These examples highlight the need for a robust dialogue around the appropriate role of law enforcement officers in our schools and the need for all school police officers to receive youth-specific training.

Just last month, a lawsuit was filed against the Abilene Independent School District (ISD), Abilene Police Department, and a School Resource Officer (SRO) employed by the Abilene Police Department.¹ The complaint details the brutality endured by three young students in Abilene ISD. One of the students was only six years old. According to reports, this 45-pound student was lifted up off of the floor by the SRO in a painful restraint intended for use on non-compliant adult criminals, then slammed into a desk – all in response to a tantrum intended to prevent his mother from leaving him in an unfamiliar school.

In early April, at a San Antonio ISD middle school, a cell phone video captured footage of a 12-year-old girl being body-slammed face-first into the ground by an SRO after the officer intervened in a shouting match between the 12-year-old and another girl. The viral video sparked national outrage.²

This is not the first time that Texas has been the focus of national attention as the result of inappropriate force used by a school police officer. You may recall that we raised these issues³ after a Bastrop ISD student, Noe Niño de Rivera, was Tasered after breaking up a school fight between two other students in November 2013. Video showed Noe backing away from the officer when he was Tasered. Noe spent

¹ KTXS, Abilene ISD, former officer sued by students for excessive force, April, 29, 2016, available at <http://www.ktxs.com/news/abilene-isd-former-officer-sued-by-students-for-excessive-force/39294202>.

² San Antonio Express-News, *San Antonio school officer fired after video showed him slam 12-year-old girl onto concrete*, April 11, 2016, available at <http://www.mysanantonio.com/news/local/article/San-Antonio-school-officer-fired-after-video-7241303.php>.

³ Texas Tribune, *Groups Urge TEA to Ban Use of Tasers, Spray in Schools*, February 13, 2014; Texas Tribune, *Advocates Urge Perry to Ban Tasers in Schools*, April 15, 2014,

52 days in a coma and suffered from a traumatic brain injury as a result of that interaction – his life permanently changed.⁴

In letters to state leadership, we documented media reports⁵ from across the state that showed that dangerous interactions between school police officers and students are not isolated to just one bad officer, one school district, or one region, but are part of a pattern of inappropriate use of force by law enforcement in our schools.⁶ Many of these incidents involved use of a Taser or pepper spray on a student – often in a situation that could have been de-escalated without resorting to these dangerous tools. The risks associated with Taser and pepper spray use on children are well documented.⁷ In addition to health risks, experts condemn heavy-handed use of force on young people because it is counterproductive, traumatic, and undermines the relationship between youth and the police officers with whom they interact.⁸

⁴ Austin American Statesman, *Video, documents raise new questions in Cedar Creek student Taser case*, February 3, 2014, available at <http://www.statesman.com/news/news/local/video-documents-raise-new-questions-in-cedar-creek/ndBZD/>

⁵ Stella M. Chavez, *Duncanville School Officer Used Pepper Spray on Teen, Aunt Says*, Dallas Morning News, September 5, 2007 (Duncanville ISD); Rhiannon Meyers, *50 Ball Students Treated for Pepper Spray*, The Daily News, September 21, 2007 (Galveston ISD); Rhiannon Meyers, *Schools Pick Weapons to Battle Brawling*, KUOU.com, October 1, 2007 (Houston area schools); KTRK News, *Student Shocked by School Officer's Taser*, October 12, 2007 (Houston ISD); Kevin Quinn, *Texas High School Student Tased by School Police*, Katy Times, October 27, 2008 (Katy ISD); Staff Reports, *Police Use Pepper Spray on Students*, The Daily News, January 22, 2009 (Galveston ISD); KPRC News, *Pepper Spray Used During Food Fight*, Click2Houston.com, February 6, 2009 (Spring ISD); KVUE News, *Deputies: Westwood Student Hit with Taser*, KVUE.com, February 17, 2009 (Round Rock ISD); Tawnell D. Hobbs, *Pepper Spray Prompts Evacuation in Hillcrest High*, Dallas Morning News, April 21, 2009 (Dallas ISD); MRT.com, *Police use pepper spray, arrest students after fight*; Midland Reporter-Telegram, *January 22, 2009 (Ector ISD)*. KWTX News, *Texas Teacher Uses Pepper Spray to Break Up School Fight*, KWTX.com, October 1, 2009 (Ft. Worth Charter School); Melissa B. Taboada & Mark Lisher, *10 Manor High Students Detained after Brawls*, Austin American Statesman, October 20, 2009 (12 students treated for pepper spray used to break up fights)(Manor ISD); Erin Cushing, *Chemical Agent Used in Disturbance at Cushing Graduation*, The Daily Sentinel, June 1, 2010 (Cushing ISD); CBS 11 News, *Student Hit with Stun Gun in School Cafeteria*, September 22, 2010 (Grand Prairie ISD); Felicia Frazar, *SPD: Teen subdued with Taser at SHS*, September 1, 2011 (Seguin ISD); Nick Lawton, *Pepper Spray Controversy at MISD*, September 2011 (Midland ISD); Staff Writer, *Pepper Spray Used in High School Fight*, November 10, 2011 (Spring ISD); KHOU.com Staff, *CyFair students subdued by pepper spray at school after altercation with officers*, October 19, 2012 (Cypress Fairbanks ISD); KTRK-TV, *Six Pasadena HS students treated for pepper spray exposure*, September 6, 2012 (Pasadena ISD); Glenn, Mike, *Cleveland school officer users Taser on student*, Houston Chronicle, December 10, 2013 (Cleveland ISD).

⁶ Houston Chronicle, *Local school police used force on students hundreds of times in recent years*, March 27, 2015 available at <http://www.houstonchronicle.com/news/houston-texas/houston/article/Local-school-police-used-force-on-students-6164190.php>.

⁷ Emitting a shock of up to 50,000 volts, Tasers are designed to restrain adults. Medical professionals have begun to raise concerns that the misuse of such weapons can cause cardiac arrest and death when used on adults. Douglas P. Zipes, *Sudden Cardiac Arrest and Death Associated with Application of Shocks from a TASER Electronic Control Device*, available at <http://circ.ahajournals.org/content/early/2012/04/20/CIRCULATIONAHA.112.097584.abstract>. Tasers, in particular, are increasingly understood as a lethal – rather than “less than lethal” – weapon. See *State v. Rivera*, 716 S.E.2d 859 (stun gun can be considered a dangerous weapon); *Bryan v. MacPherson*, 630 F.3d 805, 814 (9th Cir. 2010) (injuries from Tasers can be dangerous and even fatal). Chemical restraints pose real physical dangers to targeted youth, as well as students, teachers, and school resource officers who aren't targets but are exposed to the harsh chemicals. See Texas Criminal Justice Coalition, *Pepper Spray in the Texas Youth Commission: Research Review and Policy Recommendations* (2007). Precisely this type of scenario has already been reported in a Texas school at least once. In 2009, several students in a Dallas ISD high school had to be taken to the hospital after pepper spray, used to break up a fight, was circulated through the school's ventilation system. Tawnell D. Hobbs, *Pepper Spray Prompts Evacuation in Hillcrest High*, Dallas Morning News, April 21, 2009.

⁸ Smith, M. & Bowman, K.M.. *The Restraint Spiral: Emergent Themes in the Perceptions of the Physical Restraint of Juveniles*, Child Welfare 88: 57-83 (2009); Wiley, S.A. & Esbensen, F., *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?*, Crime & Delinquency, (July 2013).

These reported incidents demonstrate time and again officers using force on students who do not pose an immediate threat – students who are breaking up fights,⁹ girls yelling at one another,¹⁰ students unwilling to give up a cell phone,¹¹ and a student walking away from school.¹² Videos like the one that surfaced in San Antonio in early April – and descriptions of incidents like the three outlined in the Abilene ISD complaint – come to light all too often, in school districts all across Texas.

As education and civil rights advocates, we also urge you to end Texas’ participation in the Department of Defense (DOD) 1033 Program’s transfer of military weapons to local school districts and police departments for use in K-12 public schools. Adding the presence of military-grade weapons to school climates that have become increasingly hostile due to their overreliance on police to handle routine student discipline can only exacerbate existing tensions, intensifying overly punitive school climates. All of us want to ensure that schools are safe places for learning and for teaching. However, when school police use weapons of war or breach the trust that parents place in them by engaging in inappropriate and traumatizing interactions with school children, this goal is undermined.

Last session, the Texas legislature took an important step by passing a bill that requires specialized training for school police in large school districts.¹³ However, the bill limited the training requirements to districts with 30,000 students or more. Abilene ISD is a stark example of the need to ensure that all Texas school-based police officers receive training specific to the youth they interact with every day. Unfortunately, we also know that training is not enough. San Antonio ISD has long been a leader in training its school police officers, requiring them to complete 40 hours of “Children’s Crisis Intervention Training,” more than double that required by the bill passed last session. Training is critical, but more needs to be done.

Given your strong support of education and background as the state’s top law enforcement officer, we would like to work together to ensure all students are able to learn in safe school environments and school police have clearly defined roles and effective training.

We respectfully ask you to appoint a special task force to examine school policing issues leading up to the next legislative session. This task force should be asked to make recommendations that will not compromise school safety, but will ensure that

⁹ Claire Osborn, *Officer uses Taser on Round Rock student trying to break up fight*, Aus. Am. Statesman, April 14, 2014.

¹⁰ KPRC, *Cleveland ISD student tasered by police officer on school bus*, December 10, 2013, available at http://www.click2houston.com/news/cleveland-isd-student-tasered-by-police-officer-on-school-bus_2015112404111510

¹¹ KHOU, *Student tackled by officers over cell phone tells her side of the story*, September 3, 2014, available at <http://legacy.khou.com/story/news/local/neighborhood/2014/09/03/student-tackled-by-officers-over-cell-phone-tells-her-side-of-the-story/15040013/>

¹² Austin American Statesman, *Police used Taser on Round Rock student*, Sept. 17, 2014, available at <http://www.statesman.com/news/news/local/police-used-taser-on-round-rock-student/nhPcB/>

¹³ Texas Legislature. HB 2684. 84th Regular Legislative Session.

the kind of inappropriate uses of force against our students that we continue to see statewide no longer occur. The task force should consist of:

- Parents, at least one of them with a child who has been subjected to inappropriate use of force at school;
- Students;
- Teachers;
- School administrators, including personnel focused on student behavior;
- School police officers, from both ISD police departments and contracted through local police departments;
- Police leadership such as an ISD Police Chief or SRO coordinator from a local police department;
- Youth advocates; and
- Experts in youth development, children’s mental health and children with disabilities.

Creating a Task Force to study these issues and make recommendations for change will go a long way toward ensuring all students, educators and school police are working together to create safe school environments, preventing incidents like the those that have been the subject of headlines so that schools and communities are not simply left to react each time a new video – or lawsuit – emerges.

We are happy to answer any questions you may have, and look forward to working with you and your office to ensure Texas schools are safe and supportive learning environments for our students.

Sincerely,

Texans Care for Children | 512-473-2274 | www.txchildren.org

Texas Appleseed | 512-473-2800 | www.texasappleseed.org

American Civil Liberties Union of Texas | 512-478-7300 x106 | www.aclutx.org

Children’s Defense Fund—Texas | www.cdf-texas.org

Grassroots Leadership | www.grassrootsleadership.org

Mental Health America Texas | www.mhatexas.org

Mexican American Legal Defense Fund | www.maldef.org

National Alliance on Mental Illness (NAMI) Texas | www.namitexas.org

Texas Organizing Project | www.organizetexas.org