

## Chapter 7. The Police and Juveniles in Texas

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### Introduction

Cox, Conrad, Allen and Hanser (2008) clearly define the role of police as the entry point for juveniles into the justice system. Importantly they also stress the discretion police officers have in determining what happens to a juvenile when faced with an alleged offense. This chapter will focus on the role police have in and around schools, since this is where juveniles spend most of their non-sleeping hours. The intent of this chapter is to show the relationship between school, discipline and police officers in the state of Texas.

In the state of Texas all criminal laws of the state also apply in areas under the control and jurisdiction of a school district. Thus the laws off any campus of a school are the same within the confinement of the campus. Many campuses hire private security personnel as well as Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) certified officers to maintain law and order on their campus. Security personnel authorized to carry weapons are commissioned peace officers. Other security officers may also exist on the campus who do not carry weapons (School Crime and Discipline Handbook n.d). Additionally, some school districts have established police departments, many of whom are commissioned peace officers meeting TCLEOSE standards. Texas has established that all certified peace officers in the state must complete the TCLEOSE certification process. TCLEOSE has jurisdiction to certify over 85,000 law enforcement and correction officers in 2,700 agencies across the state of Texas (TCLEOSE 2007).

### Training Required To Become a Commissioned Peace Officer in Texas

#### 618-HOUR BASIC PEACE OFFICER COURSE

(effective January 1, 2005)

In accordance with Commission regulations, the Basic Peace Officer Course shall consist of a minimum of 618 classroom hours and shall include, but not be limited to, the subjects set forth below. This is the recommended sequence for teaching the course. Academies may change the sequence, if necessary.

**Figure 7.1**

#### TCLEOSE Commissioned Peace Officer Course

#	SUBJECT	HOURS
	Introduction and Orientation	2
1.	Fitness and Wellness, and Stress Management	14
2.	Professional Policing	10
3.	Professionalism and Ethics	8
4.	U.S. & Texas Constitutions, Bill of Rights, and Criminal Justice System	12
5	Multiculturalism and Human Relations	12
6.	Code of Criminal Procedure	16
7.	Arrest, Search, and Seizure	24

8.	Penal Code	40
9.	Traffic	68
10.	Intoxicated Driver and SFST	24
11.	Civil Process	8
12.	Alcoholic Beverage Code	4
13.	Health and Safety Code – Controlled Substances Act	8
14.	Family Code – Juvenile Issues	10
15.	Written and Verbal Communications	28
16.	Spanish	16
17.	Force Options	24
18.	Mechanics of Arrest	40
19.	Firearms	40
20.	Emergency Medical Assistance	16
21.	Emergency Communications	12
22.	Professional Police Driving	32
23.	Problem Solving and Critical Thinking	4
24.	Patrol/Consular Notification	42
25.	Victims of Crime	10
26.	Family Violence and Related Assaultive Offenses	20
27.	Crisis Intervention Training (CIT) and Mental Health Code	24
28.	Hazardous Materials Awareness	6
29.	Criminal Investigation	44
	<u>Including:</u> Introduction, General, Protection of and Crime Scene Search, Interviewing Techniques, Booking Procedures, Courtroom Demeanor and Testimony, Case Management	
<b>TOTAL HOURS</b>		<b>618</b>
<b>Source:</b> Texas Commission on Law Enforcement Officer Standards and Education. <a href="http://www.tcleose.state.tx.us">www.tcleose.state.tx.us</a> .		

Interestingly when analyzing the training received by peace officers in Texas only 10 out of a total 618 are on the Family Code and Juvenile Justice Issues. During those ten hours the following subjects are covered according to the Instructors’ Outline found below in Figure 7.2.

**Figure 7.2**

**Family Code: Juvenile Justice Issues Instructors’ Outline**

**14. Family Code and Juvenile Issues**

**Unit Goal: 14.1. The student will know the statutory authority and requirements for conducting investigations involving juveniles.**

**14.1.1. Identify the purpose of Title III, Juvenile Justice Code, as it relates to juvenile investigations.**

Purpose and interpretation – Family Code (FC) 51.01

**14.1.2. Define specific terms relating to juvenile proceedings.**

Definitions - FC 51.02:

- Child
- Custodian
- Guardian
- Judge or Juvenile Court Judge
- Juvenile Court
- Law Enforcement Officer
- Non-offender
- Parent
- Party
- Prosecuting Attorney
- Referral to Juvenile Court
- Secure Correctional Facility
- Secure Detention Facility
- Status Offender
- Traffic Offense
- Valid Court Order

**14.1.3. Define delinquent conduct; conduct indicating a need for supervision and habitual felony conduct.**

Delinquent conduct; conduct indicating a need for supervision - FC 51.03

Habitual felony conduct - FC 51.031

**14.1.4. Identify the legal requirements pertaining to a waiver of rights and requirements for admissibility of statements given by FC 51.09 and 51.095.**

Legal requirements for waiver of rights and admissibility:

- Waiver of rights - FC 51.09
- Admissibility of a statement of a child - FC 51.095

**14.1.5. Identify the legal requirements on places and conditions of detention.**

Legal requirements on places and conditions of detention:

- Place and conditions of detention - FC 51.12
- Designation of juvenile processing office - FC 52.025
- Responsibility for transporting juvenile offenders - FC 52.026

**14.1.6. Identify the legal restrictions on fingerprinting and photographing a child.**

Legal restrictions of fingerprinting and photographing a child:

- Collection of records of children - FC 58.001
- Photographs and fingerprints of children - FC 58.002
- Fingerprints or photographs for comparison in investigation - FC 58.0021
- Fingerprints or photographs to identify runaways - FC 58.0022

**14.1.7. Identify the legal requirements for taking a child into custody.**

Legal requirements for taking a child into custody:

- Taking into custody; issuance of warning notice - FC 52.01
- Directive to apprehend - FC 52.015
- Failure to pay fine; contempt: juveniles - CCP 45.050
- Offenses committed by juveniles - CCP 45.057
- Children taken into custody - CCP 45.058
- Children taken into custody for violation of juvenile curfew or order - CCP 45.059

**14.1.8. Identify the legal requirements for release or delivery to court.**

Release or delivery to court - FC 52.02

**14.1.9. Identify the legal requirements for disposition without referral.**

Legal requirements for disposition without referral:

- Disposition without referral to court - FC 52.03
- First offender program - FC 52.031
- Referral to juvenile court; notice to parents - FC 52.04

**14.1.10. Identify the rights and duties of parents.**

Rights and duties of parents:

- Rights and duties of parent - FC 151.001
- Rights and duties during period of possession - FC 153.074

**14.1.11. Identify the legal requirements for investigation of report of child abuse or neglect.**

Legal requirements for investigation of child abuse or neglect:

- Definitions - FC 261.001
- Persons required to report; time to report - FC 261.101
- Matters to be reported - FC 261.102
- Report made to appropriate agency - FC 261.103
- Contents of report - FC 261.104
- Referral of report by department or law enforcement- FC 261.105
- Immunities - FC 261.106
- False report; penalty - FC 261.107
- Failure to report; penalty - FC 261.109, PC 38.17
- Privileged communication - FC 261.202
- Investigation of report - FC 261.301
- Conduct of investigation - FC 261.302
- Investigations in juvenile justice programs and facilities - FC 261.405

**14.1.12. Identify the legal requirements relating to medical treatment and medical examination of a child.**

Legal requirements for child medical treatment and examination:

- Consent by non-parent - FC 32.001
- Consent to treatment by child - FC 32.003
- Examination without consent of abuse or neglect of child - FC 32.005

**14.1.13. Identify the legal requirements for taking possession of a child in an emergency.**

Legal requirements for taking possession of a child in an emergency:

- Civil liability - FC 262.003
- Accepting voluntary delivery of possession of child - FC 262.004
- Possession and delivery of missing child - FC 262.007
- Taking emergency possession without a court order - FC 262.104, CCP 2.13, CCP 63.009(g)
- Unacceptable facilities for housing child - FC 262.108
- Taking possession of child in emergency with intent to return home - FC 262.110

**14.1.14. Identify the legal requirement relating to communication between law enforcement authorities and school officials.**

Notification to schools required - CCP 15.27

**Unit Goal: 14.2. The student will know the statutory authority and requirements for conducting investigations involving missing children, and missing persons.**

**14.2.1. Learn the legal definitions for a missing person or a missing child.**

Legal definitions for missing person or missing child:

- Definitions - CCP 63.001
- Presumption regarding parentage - CCP 63.0015

**14.2.2. Learn the function of the State Missing Persons Clearinghouse and the required report forms.**

Function of SMPC and required report forms:

- Missing children and missing persons information clearinghouse - CCP 63.002
- Function of clearinghouse - CCP 63.003
- Report forms - CCP 63.004

**14.2.3. Learn what the law enforcement requirements are once the child is reported missing to law enforcement.**

Law enforcement requirements subsequent to a missing-child report:

- Law enforcement requirements - CCP 63.009
- Immediate investigations - CCP 63.009

**14.2.4. Learn what steps are taken in a missing child investigation.**

Steps in a missing-child investigation:

- Missing children investigations - CCP 63.011
- System for flagging records - CCP 63.021
- Removal of flag from records - CCP 63.022
- School records system - CCP 63.019

**14.2.5. Learn the proper steps to activate the Statewide AMBER Alert System.**

Definition and activation of the AMBER alert system:

- Definitions - GC 411.351
- AMBER alert system for abducted children - GC 411.352
- Activation - GC 411.355
- Termination - GC 411.358

**14.2.6. Learn what records are confidential under the Texas Missing Persons and Missing Children's Act.**

Confidentiality of certain records - CCP 63.017

*See also Chapter 60. Uniform Interstate Compact on Juveniles, Articles IV, V, and VI in handout in the IRG for information regarding return of runaway juveniles.*

**Unit Goal: 14.3. The student will know narcotic investigation techniques and procedures.**

**14.3.1. Identify influences that may affect an adolescent's encounter with the police.**

Factors affecting youth encounters with police:

- Need for independence
- Rebellion against authority
- Peer pressure

**14.3.2. Identify problems typically associated with juvenile gang activities.**

Problems associated with juvenile gang activities:

- Conditions for juvenile gang existence
- Name/identification of leadership
- Geographic turf
- Weapon and drug involvement
- Delinquent activity

Needs met by gangs for juveniles:

- Status
- Self-worth/esteem
- Acceptance
- Fun/excitement/risk
- Credibility/notoriety
- Protection
- Recognition of identity
- Bonding
- Substitution for boredom
- Obtain wealth and materialism
- Survival

Underlying societal strains that give rise to gangs:

- High unemployment
- Lack of primary groups for bonding
- Atmosphere of discrimination/abuse/criticism

- Community seen as uncaring
- Youth's lack of self control development and respect for self and others
- Environment that uses intimidation and aggression to solve problems
- Illegal activity is profitable

Three phases of gang involvement:

- Minor mischief
- Seeking identity (with such things as the following)
  - Colors
  - Hand signals
  - Clothing
  - Tattoos
  - Slogans
  - Graffiti
  - Bandannas
  - Jackets
- Drive-by shootings, drugs, killings

**Source:** TCLEOSE (2007) [www.tcleose.state.tx.us](http://www.tcleose.state.tx.us).

The short ten hours of instruction is one of the smaller blocks of instruction required for certification. Of the twenty-nine areas of training only six other areas receive less training hours. Nevertheless, in the "Family Code- Juvenile Justice" training officers are provided definitions, legal requirements, and familiarity with the *Family Code*, issues related to child abuse and neglect, the process of filing a missing child alert, and gang identification and characteristics.

### **Police Officers in Schools**

Only commissioned peace officers who may take a child into custody if there is probable cause to believe that a child engaged in conduct that violates a penal law or ordinance; delinquent conduct or conduct indicating a need for supervision (Child in Need of Supervision (CHIN)); or conduct that violates a condition of probation imposed by the juvenile court ( School Crime and Discipline Handbook n.d) . A school district officer's jurisdiction is determined by the board of trustees but usually includes boundaries of the school district or campus, school property owned, leased, rented or otherwise under the control of the school district. Because of the likelihood of overlapping jurisdictions a memorandum of understanding is required between the school district and local police departments outlining how communication and coordination efforts will take place. It is important to note that no person, including school personnel, parents, or students may impede or interfere with school district peace officers while they are performing their lawful duties.

In response to the school attendance problem throughout the state the Texas Legislature in 2001 made compulsory attendance a requirement for students ages 6-18. It is now a Class C misdemeanor for an individual to miss 10 or more days or parts of days within a six-month period in the same school year or three or more days or parts of days within a four week period. For students 10 -17 this offense would result in adjudication in the juvenile justice system for the offense of truancy. A peace officer may serve as the attendance officer for a school or district. If a peace officer is so assigned the duties include investigation of the violation, enforcement of the compulsory school attendance through referring non compliant youth to the juvenile court or filing a complaint in court against a parent for contributing to nonattendance. Additionally peace officers in this role serve court ordered papers, review attendance records, make home visits, and take

students into custody with permission from parents and when ordered by the court. When serving as the attendance officer a peace officer may not enter a residence without the permission of the parent or owner of the residence except when serving court ordered documents.

### **Discipline in Texas Schools**

Discipline in schools has always been an issue for teachers and administrators to address in educating students. Schools systems have implemented multiple strategies, practices, and programs to address problem students. Some of the alternatives for schools have been detention, in school suspension, out of school suspension, and expulsion. For extremely incorrigible students discipline alternative education programs (DAEPs) and juvenile justice alternative education programs (JJAEPs) have provided schools and districts alternatives for removing students whose behavior constantly disrupts learning.

Since the creation of DAEPs and JJAEPs in 1995 through the Safe Schools Acts enacted by the Texas legislature, increasing numbers of students in Texas schools have experienced placements in the alternative educational programs. For example, during the 1998-99 school year, 70,728 individual students were placed in DAEPs compared to 105,530 placements in 2005-06 (Texas Educational Agency, 2006). This significant increase in student placements emphasizes the fact that schools are placing the onus of their students discipline problems on alternative campuses.

Additionally, many of the DAEP placements of Texas students are discretionary in nature and impact African American and Latino students in high numbers, particularly in urban environments. For example, research of statewide data in the 2006 school year demonstrated 104,641 placements which were discretionary compared to 32,297 that were mandatory (Texas Education Agency, 2006). Of these discretionary placements, 35,522 were African American, 65,942 were Latino, and 34,074 were White. A closer examination of DAEP placements in an urban district such as the Houston Independent School District revealed 1,738 African American, 2,665 Latino, and 214 white students (Texas Education Agency, 2006). These discrepancies raise questions as to whether schools are best meeting the needs of all students both academically and socially so the students can be successful in their school experience. All students need to be in an environment where they can thrive in their learning. The 1995 Safe Schools Act properly recognized violent or persistently disrupted students must be removed from class so other students can learn, however, the number and ethnic breakdown of students placed suggests schools may abuse these alternatives (Levin, 2006).

In addressing discipline alternative education programs and how students are placed and served, an examination of the current structure of programs in Texas is provided as well as recommendations for school personnel and families which will enable students to be better equipped to function in their regular educational placements.

### **Discipline Alternative Education Programs Structure in Texas**

Discipline Alternative Education Programs (DAEPs) are alternative settings for students who commit disciplinary infractions that could require placement as specified in Chapter 37 of the Texas Education Code. In its current format, virtually any infraction can justify a student being placed in a DAEP. The Safe Schools Act of 1995 required school districts to establish DAEPs to provide settings for incorrigible students away from the general population where the assigned students could still receive educational services.

In its impetus, DAEPs were designed for students that would require mandatory removal from the general population of students. For example, students that participate in gang activity, or possess of drugs or weapons on school grounds are eligible to be removed. However, discretionary



placements have morphed DAEPs into holding assignments for students the school administrators deem adversely effect learning environments for other students. With the broad latitude of how students may be placed, the number of discretionary placements far outweighs the number of mandatory placements annually. For example, in the 2006 school year 104,681 placements were discretionary compared to 32,297 that were mandatory (Texas Education Agency, 2006). With the numbers differing so significantly, all actions should be thoroughly investigated to better serve students, parents and schools.

The state requirements for the actual school structure of DAEPs are very minimal in what they offer to students. Under Education Code 37.008, Texas only requires that DAEPs:

- Focuses on English language arts, mathematics, science, history, and self-discipline;
- Provides for students' educational and behavioral needs; and
- Provides supervision and counseling.

These limitations pose another set of problems that may not serve the best interests of these students if they are designed in the way the state requires. First, by just giving the students basic curriculum, some students may lose their desire to attend school. Attendance rates tend to be lower while students are attending DAEPs. Curriculum alignment is another issue of concern. Although many districts have their own curriculum aligned with state mandatory tests, when students are pulled out of their home campuses, there is no guarantee they will progress at the same pace as their peers in the customary school setting. It puts students in situations where they are constantly trying to catch up and being left behind.

Second, little research has been done to look at the impact of alternative placements on special education students or to measure whether the students are successful after placement in DAEPs. It is required that students who are placed at alternative campuses continue to receive the services designated on their IEPs from their home campuses; however, with the change in settings, teachers, and delivery, the impact may be devastating to the child's educational career due to the failure of the school personnel to be compliant with the home campus IEPs. For instance, the 2005-2006 school year was the first time that legislation required DAEPs to have certified teachers (Levin, 2006). Without properly trained teachers, it can be extremely difficult for students to thrive and meet the increasing standards the state requires for them to succeed.

Finally, there is a lack of research on the social and emotional component of DAEPs and its impact on students. With supervision and counseling as a component, students should be acquiring the skills to eventually go back to their home campus and practicing behavior appropriate to reducing their chances of being reassigned to DAEPs. However, recidivism rates of students demonstrate that students who attend DAEPs once eventually return in the same year - some never return to their home schools. Discipline issues in schools damage all involved. Effective strategies which treat students and parents fairly are needed. Below are some recommendations.

## **Recommendations**

The material available on the effectiveness of DAEPs is minimal; the majority of information is limited to the total students placed annually. More is needed to investigate the effectiveness on student achievement in students that are placed in DAEPs, especially in view of the increasing number of students placed. The following changes are recommended to help aid in addressing the impact of DAEPs in Texas schools: Create Meaningful State Standards for DAEPs (Levin, 2006)

- Students placed in DAEPs receive minimal instruction in core academic areas - some receive only two hours of instruction a day. More instruction is needed if these students are meant to excel in the general curriculum.

Require State Accountability (Levin, 2006)

- Currently, student scores are reported to their home campuses leaving little accountability to the DAEPs themselves. Students that never return to their home campuses only receive the instruction that is provided at the site of their placement. With no accountability in place, DAEPs are utilizing their own discretion to provide appropriate instruction.

Strengthen and emphasize the behavioral and social component of DAEPs.

- Chapter 37 of the state plan requires a social and behavioral aspect of students in DAEP placement. This area should be emphasized to assist students in practicing appropriate behavior and to provide avenues for them to take to help them avoid discipline infractions when they return to their schools. There is no empirical evidence to address this component currently in state data.

Inform parents and students about the discipline plan in districts

- Student handbooks are given to students and their parents annually in all school districts in the state of Texas; however, they are only utilized when a child is involved in a disciplinary infraction. Requiring schools to offer workshops or informational sessions can be a powerful strategy to ensure understanding of district and school expectations.

Understanding the relationship between a child's behavior in school and the response from the school is important because of the risk involved when children do not do well in school. Children who are not bonded to school may become truant, which is a status offense. When a status offense or other delinquent or criminal act does occur law enforcement must be prepared to respond as indicated below.

### **Required Action By Police on Campuses**

Although discretion exists on campuses related to acts on campus according to TCLEOSE (2007) the following activities must be reported to law enforcement if there is reasonable grounds to believe the activities took place on school property or at a school-related activity on or off school property:

- ❖ Murder
- ❖ Capital murder
- ❖ Aggravated Kidnapping
- ❖ Sexual Assault
- ❖ Aggravated Assault
- ❖ Aggravated Sexual Assault
- ❖ Injury to a child, an elderly or disabled person
- ❖ Arson
- ❖ Robbery
- ❖ Aggravated robbery
- ❖ Burglary, or
- ❖ Felonious drug offenses that is committed in a drug-free zone
- ❖ Deadly conduct under Section 22.05 of the Penal Code
- ❖ Terroristic Threat under Section 22.07 of the Penal Code
- ❖ The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana
- ❖ The possession of any prohibited weapons or devices, including clubs, explosive weapons, firearms, firearm silencers, knives, knuckles, chemical dispensing devices, and zip guns;
- ❖ Conduct that may constitute organized criminal activity under Section 71.2 of the Penal Code; or
- ❖ Conduct that may constitute a criminal offense for which a student may be expelled under Section 32. 007(a), (d), or (e) of the Education Code.

## Taking a Juvenile into Custody

When law enforcement makes the decision to take into custody a juvenile for an alleged law violation, he is taken to the nearest juvenile detention facility. Detained juveniles, like adults, who are not free to leave are entitled to their Miranda Warnings provided by the officer. A child can be taken into custody for several reasons including:

- ❖ Pursuant to an order of the juvenile court under the provisions of Texas Family Code 52.01.
- ❖ Pursuant to the laws of arrest.
- ❖ A law enforcement officer, including a school district peace officer commissioned believes there is probable cause that the child has engaged in conduct that violates a penal law, delinquent conduct or conduct indicating a need for supervision, conduct that violates a condition of probation imposed by the juvenile court,
- ❖ A probation officer believes there is probable cause that the child has violated a condition of probation,
- ❖ A directive to apprehend issued as provided by Section 52.015 of the Family Code.
- ❖ A probation officer has probable cause to believe that the child has violated a condition of release imposed by the juvenile court or referee under section 54.01 of the Family Code. (Garza, 2007).

The “arresting” police officer presents the “probable cause” for taking the juvenile into custody to a prosecutor. The prosecutor decides if a petition should be filed against the juvenile or not. The prosecuting attorney, who represents the people of Texas, has much discretion in the juvenile system. This prosecutor reviews the circumstances and allegations of a referral made for legal sufficiency and the desirability of prosecution and then decides if a petition should be filed even without regard to whether probable cause was found under Section 53.01 (there is probable cause to believe a juvenile engaged in delinquent conduct or conduct indicating a need for supervision).

A simplified definition of “petition” is that it is the equivalent to the charging instrument used in adult courts; however, it reveals additional information:

1. The petition may be based solely on the information and belief of the arresting officer.
2. The petition must state the following facts:
  - (a) with reasonable particularity the time, place, and manner of the act(s) alleged and the penal law or standard of conduct allegedly violated by the act(s);
  - (b) the name, age, and residence address, if known, of the child who is the subject of the petition;
  - (c) the names and residence addresses, if known, of the parent, guardian, or custodian of the child and of the child's spouse, if any;
  - (d) if the child is alleged to have engaged in habitual felony conduct, the previous adjudications in which the child was found to have engaged in conduct violating penal laws of the grade of felony. These listed “previous adjudications” are considered the enhancement paragraph.
3. An oral or written answer to the petition may be made at or before the commencement of the detention hearing. If there is no answer, a general denial of the alleged conduct is assumed (Texas Statutes Family Code, Ch. 53; § 53.04).

Upon arrival to the Detention Center, a juvenile is appointed a defense attorney to protect his rights through out the detention process and with detention issues. Within 48 hours of the juvenile's arrest, he is to be taken to judge to determine if the juvenile/respondent should be released to the custody of his parents or should remain in detention. Two factors the judge must consider are the potential for risk of flight and danger to the community. Additionally, does the child have suitable supervision, care, or protection provided by a parent or guardian? Does the child have the means to return to the courtroom when required? Moreover, has the child previously been found to be a delinquent or been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released. It is important to remember Texas Family Code 52.025(d) states: " a child may not be detained in a juvenile processing office for longer than six hours."

The Family Code (52.02(a)) is very clear in its definition of what constitutes a juvenile processing office. The office must be an office or room, which may be located in a police facility or sheriff's offices. The office may not be a cell or holding facility used for detentions other than those for juveniles being brought in for processing. It should be site and sound separated from adult suspects. A child is detained in a juvenile processing office only for:

1. Return of the child to the custody of a person (parent or guardian);
2. Completion of essential forms and records required by the juvenile court;
3. Photography and fingerprinting of the child if authorized;
4. Issuance of warnings to the child as required; or
5. Receipt of a statement by the child.

Chapter 8 provides the process after law enforcement brings the juvenile into the juvenile justice system.

### **Summary**

Law enforcement has such a vital role in the juvenile justice system because for most cases they represent the entry point and first contact for youth to the justice system. The state of Texas requires 618 hours of training in order to be a commissioned peace officer. Of those hours only 10 are dedicated to Family Code and Juvenile Issues. Police in schools and how schools deal with disciplinary problems are all related to law enforcement because of the contact and potential contact students and parents will have with the police. Discretionary by the police and school officials should be fair so all youth have an opportunity to succeed.

The processing of a juvenile into the juvenile justice system is very specific and requires law enforcement to know the process in order to avoid violating the youth's due process rights. The Family Code of Texas provides these guidelines for law enforcement, youth and their parents.

### **Critical Review Questions**

1. What additional training do you think law enforcement in Texas should have in reference to juveniles and the Family Code?
2. Why is discipline in schools an important issue related to juvenile justice issues?
3. Why is the process of how police handle juvenile different, as compared to adults?

## Bibliography

- 2002 Comprehensive Annual Report on Texas Public Schools*. (2002). Retrieved from Texas Education Agency: <http://www.tea.state.tx.us/research/pdfs/2002comp.pdf>
- 2005 Annual Report on Texas Public Schools*. (2005). Retrieved from Texas Education Agency: [http://www.tea.state.tx.us/research/pdfs/2005\\_comp\\_annual.pdf](http://www.tea.state.tx.us/research/pdfs/2005_comp_annual.pdf)
- Caldwell, P. (1995). A Hair Piece: Perspectives on the Intersection of Race and Gender. In R. Delgado, *Critical Race Theory: The Cutting Edge* (pp. 267-277). Philadelphia, PA: Temple University Press.
- Calmore, J. (1992). Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World. *Southern California Law Review* , 2129-2231.
- Cox, S., Conrand, J., Allen, J., and Hanser, R. (2008). *Juvenile Justice: A Guide to Theory, Policy and Practice*. Thousand Oaks, CA: Sage Publishing.
- Garza, P. (2007). "Legislative Update." *2007 Nuts and Bolts of Juvenile Law Conference*. Austin, Texas: Texas Juvenile Probation Commission and Juvenile Law Section of the State Bar of Texas, July 30-31, 2007.
- Levin, M. (March 2006). *Schooling a New Class of Criminals*. Austin.
- Matsuda, M. (1991). Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction. *Yale Law Journal* , 1329-1407.
- School Crime and Discipline Handbook (n.d). *School Crime and Discipline Handbook: A Practical Reference Guide*. Austin, Texas: Attorney General of Texas, Greg Abbott. <http://www.oag.state.tx.us/newspubs/publications.shtml#criminal> Retrieved August 8, 2007.
- Solaranzo, D. a. (2001). From Racial Sterotyping and Deficit Discourse. *Multicultural Education*
- Soloranzo, D. a. (2002). Critical Race Methodology: Counterstorytelling as an Analytical Framework for Education Research. *Qualitative Inquiry* , 23-44.
- Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) (2007). *Texas Commission on Law Enforcement Officer Standards and Education: Compact with Texans*. [www.tcleose.state.tx.us](http://www.tcleose.state.tx.us). Retrieved August 8, 2007.
- Texas Education Agency. (2006). *2006 Comprehensive Annual Report on Texas Public Schools*. Retrieved from Texas Education Agency: [http://www.tea.state.tx.us/research/pdfs/2006\\_comp\\_annual.pdf](http://www.tea.state.tx.us/research/pdfs/2006_comp_annual.pdf)
- Texas Safe Schools Act*. (1995). Retrieved from Texas Education Code Chapter 37: <http://tlo2.tlc.state.tx.us/statutes/docs/ED/content/htm/ed.002.00.000037.00.htm>