SUMMARY CITATIONS & SCHOOL DISCIPLINE

ACLU-PA & Allegheny County Office of the Public Defender



Summary Citations – Collateral Consequences

- Summary Citations look similar to a traffic ticket and are issued for minor infractions.
 - o e.g. vaping, disorderly conduct (obscene language/gestures), etc.
- Sent in mail. May take up to two weeks to be received (if at all, especially for youth who are homeless) then several weeks or months before required to appear before the magistrate.
- Can have long term consequences on youth.
 - For starters they are **ADULT** criminal offenses. There is no distinction between juveniles or adults at the magisterial court level as there are in arrests (where youth are referred to juvenile court).

Summary Citations – Cont'd

- Must appear before a magisterial court judge. Are not provided an attorney as they would be in juvenile court with an arrest.
- Summary citations may result in fines, which can place an unnecessary burden on families, who must pay these fines.
 - For some families this means choosing between buying food, paying utilities or paying this fine.
- Failure to pay these fines can result in a referral to juvenile justice for a "failure to comply" charge (in addition to the summary charge).
- Summary convictions are not automatically expunged. And <u>cannot be</u> <u>expunged until 6 months after turning 18</u>, *only if all conditions have been met*.
 - o If at 17 or 18 they apply for a job, college or military application, and they are asked if they have ever been convicted of a crime, **they must say yes.**

Reporting Requirements: PDE Safe Schools

- Pennsylvania Department of Education does require a reporting of summary citations as they do arrests.
- This number is often reported as zero even when we have external data (through a RTK, for example, showing citations were issued).
- Unfortunately, does lump adult and youth citations together.

Safe Schools - LEA Report

LEA Allentown City SD School Year: 2022 - 2023

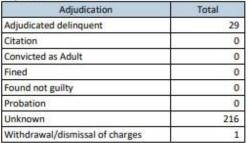
Incident Place and Time

Incident Place	Incident Time Frame	Total
At a school-sponsored event or at an event within the school's jurisdiction		3
At an offsite alternative placement facility		2
Internet/Online		24
Off school grounds at an activity, function, or event sponsered by the school		12
Off school grounds at an activity under the jurisdiction of another school		0
Off school grounds while en route to or from school		31
On district provided public conveyance providing transportation to a school		1
On district provided public conveyance providing transportation to and from school		10
On school property/grounds	After school hours	201
	Before School hours	47
	During school hours	934
		0

Sanctions

Discipline Response		
Detention	7	
Expulsion - less than one calendar year	1	
Expulsion - more than one calendar year	1	
Expulsion - one calendar year	0	
In school suspension	405	
None	0	
Other	0	
Out of school suspension	910	
Special education student removed to interim alt ed setting by due process hearing officer	0	
Special education student removed to an interim alternative educational setting by school personnel	0	

Adjudication





Reporting Requirements: Civil Rights Data Collection (CRDC)



RESOURCE DOCUMENT

Referrals to Law Enforcement & School-Related Arrests (ARRS) Module

Definitions

- Referral to law enforcement is an action by which a student is reported to any law enforcement
 agency or official, including a school police unit, for an incident that occurs on school grounds,
 during school-related events (in-person or virtual), or while taking school transportation,
 regardless of whether official action is taken. Citations, tickets, court referrals, and schoolrelated arrests are considered referrals to law enforcement.
- School-related arrest refers to an arrest of a student for any activity conducted on school
 grounds, during off-campus school activities (in-person or virtual) or while taking school
 transportation, or due to a referral by any school official. All school-related arrests are
 considered referrals to law enforcement.
 - ✓ Report a cumulative count based on the entire 2020-21 regular school year, not including intersession or summer.
 - ✓ School-related arrest is a <u>subset</u> of referral to law enforcement. Therefore, a student counted in the "school-related arrest" tables should also be counted in the "referred to law enforcement agency" tables.

- The Civil Rights Data
 Collection requires LEAs to
 report on summary citations
 (tickets) as part of referrals
 to law enforcement.
- This data is required at an intersectional level (by race, sex and disability)
- Unfortunately, most LEAs do not seem to realize this is required and have not accurately reported citations to the CRDC.

While reporting of citations is required, and will provide your district with insight into disparities by race, sex and disability. Data collected from some LEAs already show clear disparities:

In one school district we reviewed:

- Black students were 12 times more likely to receive a summary citation than white students.
- Black girls were 24 times more likely to receive a summary citation than white girls.
- While Black boys with disabilities were the most likely to receive a summary citation.

Examples of Citations and Impact

Examples:

- Silly string
- Lollipop throwing
- Playing at the park
- Yelling in hallways

CITATION NO. COMMONWEALTH OF PENNSYLVANIA NON-TRAFFIC CITATION R 3284372-0 5. Social Security Number 05-2-66 5 Sum ☐ PA 7. Defundant's Name : First Stage tast f. Delvistam v scropp, primercasporacy or close) 0 .. (3) Case instituted by U. Date of Birth 12. Resident Status 10. Sex 5. Racwitteloly (A) Resident (M) X Male (0) On-View Arrest (W) U White (A) Asian (N) I Non-Resident (H) I Hispanic (B) X Black (C) X Ctation Summons (F) I Female (U) Unkrown (I) Native American (U) Unknown A MINEMER 06-29-212110 Yes DE Yes Criminal Mischief Disorderly Conduct ☐ Theft of Services Criminal Trespass Scattering Rubbish Hamssment **Public Drunkenness** Purchase, Consumption, Possession or Transportation of Liquor or Mait or Browed Beverages Retail Theft Other 22. CHIMES COCE TITLE 18 21. Pk. Cose 20. Nonze of Effense The defendant did create a hazardous 13. RECTION 124, SUB SEC. 5503 A4 or physically offensive condition which serves M. FINE no legitimate furpose by spraying "silly string" M. COSTS on the victims car. GIENOAG \$ 40.25 TOTAL S

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Micary Sente

34. Cartapilloro

Pena Hills

33 Day

TINS

06/29/21 2110

DUE

34. Zone

35 Coos

Reasons to Not File Summary Citations

Kids are scared of court and develop distrust of community

Double punishment

Kids miss school and parents miss work

Racial and disability discrimination

Lasting Impact

- Fear of financial impact on family
- Develop distrust of teachers/administrators
- Magistrates may not handle the case as you intended
- Conditions may be implemented that cannot be achieved
- Failure to pay is viewed as court contact



Questions?