

WHAT IS THE COMPLAINT POLICY?

IN 2012 WE WORKED WITH COMMUNITY TO DEVELOP A COMPLAINT PROCESS TO HOLD POLICE IN SCHOOLS ACCOUNTABLE. THE POLICY WAS PUT IN PLACE BECAUSE BEFORE OUR EFFORTS THERE WAS NO WAY FOR PARENTS, STUDENTS OR SCHOOL ADMIN TO FILE A FORMAL COMPLAINT ON OPD, OSPD, SSO AND SRO'S.

This policy includes:

- Everyone should feel welcome to submit comments about the quality of service and conduct of Oakland Unified School Police Department.
- Anyone who submits a complaint is protected from any type of retaliation.
- The department should provide a consistent approach to the investigation and adjudication of complaints against its employees.
- Complaints need to be filed within 120 days of being violated.
- Complaints can be filed online at police@ousd.k12.ca.us.
- Complaints can be filed in person or on the phone.
- When filing a complaint you should receive a response within 45 days of the date your complaint or report is made.
- In the event that your complaint is still under investigation the department is still required to inform you in writing that additional time is needed within 45 days.
- Your complaint should not take longer than 240 days for you to receive a response.
- No officer who is a participant in the complaint is allowed to conduct the investigation.
- Your response should include if your complaint was found valid or not valid and a reason for the decision.
- Your response should include what actions will/have been taken and the reasoning for the action.
- If you disagree with the response to your complaint/report you can file an appeal with the Board of Education; within 60 days of receiving the response. The Board has 60 days to respond to your appeal.

FILING A COMPLAINT

- If an SSO or OSPD officer mistreats you, you can file a complaint using the form here: www.ousd.org/page/15491. Submit the form within 120 days to district ombudsperson, gabriel.valenzuela@ousd.k12.ca.us, or Chief of Police, police@ousd.k12.ca.us. They have 45 days to investigate and respond.
- For more information about complaints against OPD or OSPD Officers, Call us 510-891-1219.

OUSD STUDENTS KNOW YOUR RIGHTS!!!

AFTER 20-YEAR OLD RAHEIM BROWN WAS KILLED BY AN OAKLAND SCHOOL POLICE OFFICER IN 2011, WE LAUNCHED THE BETTERING OUR SCHOOL SYSTEM (BOSS) CAMPAIGN. SINCE THEN, WE HAVE WON IMPORTANT POLICIES THAT LIMIT STUDENT CONTACT WITH POLICE THAT YOU SHOULD KNOW ABOUT!

SCHOOL DISCIPLINE

No SRO, SSO, or OSPD officer can act as a disciplinarian. This means that officers should not be involved with situations like:

- Possession of Alcohol
- Possession of Marijuana
- Physical Fights

SCHOOL DISCIPLINE

- You have the right to remain silent.
- If you are stopped, ask if you are free to leave. Watch out for officers who use manipulative tactics to get you to talk.
- If you are in custody, officers must read you your rights in a language you understand and explain any terms that do not make sense to you.

ALTERNATIVES TO ARREST

Officers are supposed to use as many alternatives to arrest as possible, such as:

- Issuing a Warning
- Referral to Counseling
- Restorative Justice or Mediation
- Community Service

SEARCHES/SEIZURES

- If school staff believe you broke a school rule, they cannot ask officers to interview you or collect evidence for them.
- School staff and police cannot search you or your property without "reasonable suspicion" that you broke a rule or law.
- If they do not search you, they cannot search places unlikely to turn up evidence.

STAY IN CONTACT

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- 📧 @blackorganizingproject
- 📘 facebook.com/blackorgproject

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IS AN OUSD SCHOOL TRYING TO SUSPEND YOU?

BEFORE A STUDENT IS SUSPENDED

A school must hold an informal conference to:

- Inform the student of the reason for the suspension and the evidence against the student.
- Give the student an opportunity to present their version and evidence

ALTERNATIVES TO SUSPENSION

Instead of suspending students, school administrators and teachers in OUSD are supposed to attempt and document "other means of correction" including:

- Re-teaching behavior expectations
- Counseling
- Parent-teacher conference

AMONG OTHER THINGS, STUDENTS CANNOT BE SUSPENDED OR EXPELLED FOR:



Dress Code



Using Phone



Willful Defiance



Tardiness



Use of Profanity Towards Others



Possession or Use of Tobacco



Picking on or distracting students

AFTER A STUDENT IS SUSPENDED

A school must:

- Attempt to call the student's parents
- Notify the parent in writing of the suspension and the reason for it
- Make available all assignments and tests the students will miss, but the student has to ask for them first

A SCHOOL CANNOT

- Suspend students for more than 5 consecutive school days*
- Suspend students for more than 20 days in one school year*
- Involuntarily transfer students to other schools for disruption or defiance
- Ask a parent to pick up their child without giving the parent a written suspension notice

*There are a few exceptions

BETTERING OUR SCHOOL SCHOOL

In 2011, we launched the Bettering Our School System (BOSS) campaign and demanded that OUSD change policies and practices that criminalize Black and Brown students and reinvest in alternatives like after-school programs and counselors. Since we launched BOSS, OUSD has agreed to eliminate willful defiance suspensions and expulsions, invest in restorative approaches, and create a complaint procedure if schools fail to use restorative approaches.

IS AN OUSD SCHOOL TRYING TO EXPEL YOU?

ONLY THE SCHOOL BOARD CAN EXPEL A STUDENT

Principals can only recommend an expulsion. If so, students have a right to a hearing **within 30 days**, unless they request a postponement.

At least **10 days before the hearing**, a student should receive written notice stating the:

- Date and place of the hearing*
- Facts and charges
- Discipline policies that apply
- **Right to take an attorney or non-attorney**
- Right to receive copies of documents that will be used at the hearing
- Right to question witnesses and present evidence at the hearing

*A student can request, in writing, that the hearing occur at a public meeting.

Within 10 days from the hearing or **40 days from when a student was first removed school**, the school board must decide whether to expel the student.

THE SCHOOL-TO-PRISON PIPELINE

The school-to-prison pipeline refers to the intentional pushout of students out of schools and into the criminal justice system. If a student is suspended, they miss instructional time and are at higher risk of being suspended again, pushed out of school, and ending up in the juvenile or criminal justice system.

In Oakland and across the country, Black students are disproportionately suspended, but parents and students are fighting for change.

If the school board decides to expel a student, the board must inform the student of:

- The right to appeal to the county board
- Where the student can attend school during the expulsion

AMONG OTHER THINGS, STUDENTS CANNOT BE EXPELLED FOR:



Using Profanity Towards Adults



Graffiti/ Tagging



False Activation of a Fire Alarm



Trespassing



Intoxication



Possession of Firecrackers

HOWEVER, PRINCIPALS MUST RECOMMEND AN EXPULSION FOR:

- Sexual Assault or Battery (must meet requirements of criminal code)
- Selling a Controlled Substance
- Possession of an Explosive
- Brandishing a Knife at Another Person
- Possessing, Selling, or Furnishing a Firearm

IN ALL OTHER CIRCUMSTANCES

A principal or superintendent should attempt "Alternative means of correction," such as:

- Parent Conference
- Restorative Justice
- Referral for drug Counseling