



# Fightin' and Fussin': An Examination of School Arrests, Adjudications, and Dispositions in Delaware

Chief Judge Chandlee Johnson Kuhn

Family Court  
of the State of Delaware



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# Agenda

1. An Introduction to Delaware
2. School Discipline in Delaware
3. Research Questions
4. Methodology
5. Findings
  1. Offense Types
  2. Offender Profiles
  3. Court Outcomes
6. Putting the Findings to Use
7. Concluding Thoughts





# Delaware

State Population:

**907,135**

Public School Population:

**129,395**

Counties:

- New Castle (Wilmington)
- Kent (Dover)
- Sussex (Georgetown)



# School Discipline in Delaware

- Zero tolerance policies
- School Crimes Law
- Security cameras
- School resource officers

2010-2011 School Year	
Suspensions	58,846
Expulsions	132
Students Suspended/Expelled	20,238

State of Delaware (2011b)



# Research Questions

During the 2010-2011 school year:

1. What types of offenses lead to school arrests?
2. What are the characteristics of arrested students?
3. What are the court outcomes for the arrested students?



# Methodology

- Created database of ALL school arrests during the 2010-2011 school year
  - Computerized files (FAMIS)
  - Paper files maintained by Family Court of Delaware in each county
- Produced descriptive statistics



# School Arrests in Delaware: The Basics

Total	739*
High School	333
Middle School	269
Elementary School	12
Charter School	15
Alternative School	50
Other Specialty Schools	26
Busses	14

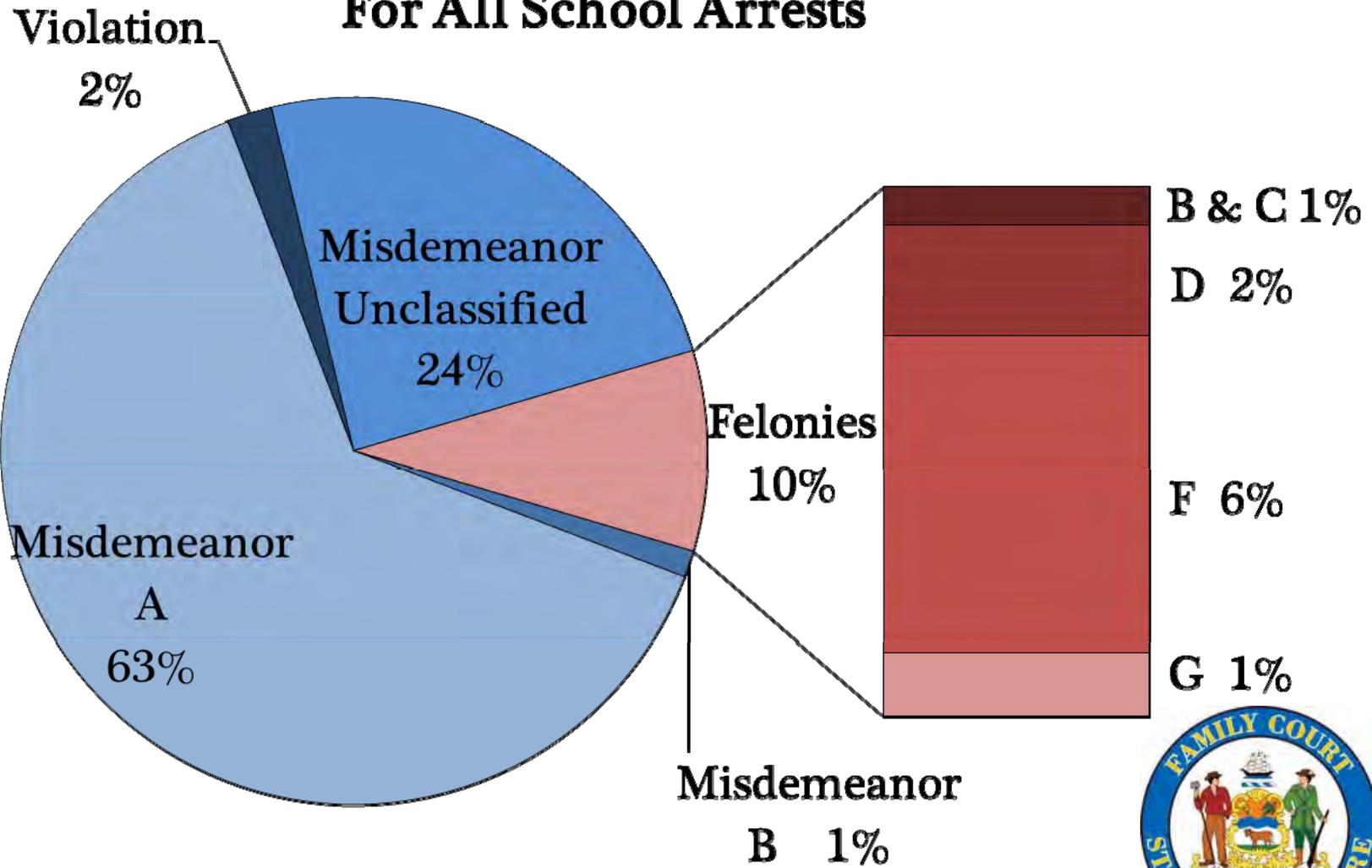
\* 16% of all juvenile arrests (Sept. 2010-June 2011)



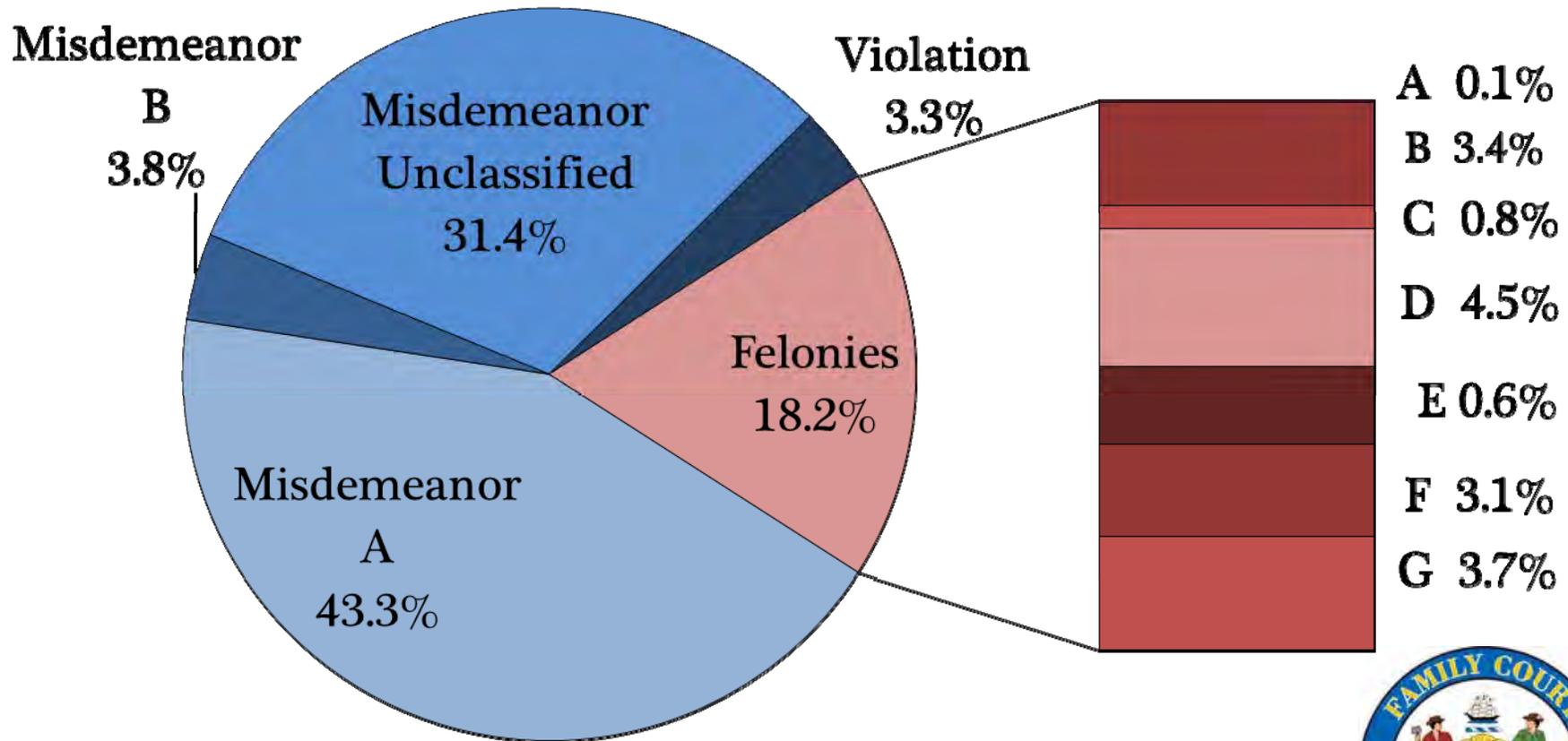
## Criminal Offense Categories in Delaware

Offense Category	Example
Felony A	Murder in the 1 <sup>st</sup> Degree
Felony B	Rape in the 2 <sup>nd</sup> Degree
Felony C	Rape in the 4 <sup>th</sup> Degree
Felony D	Assault in the 2 <sup>nd</sup> Degree
Felony E	Aggravated Menacing
Felony F	Riot
Felony G	CCDW
Misdemeanor A	Assault in the 3 <sup>rd</sup> Degree
Misdemeanor B	Lewdness
Misdemeanor Unclassified	Disorderly Conduct
Violation	Underage Drinking

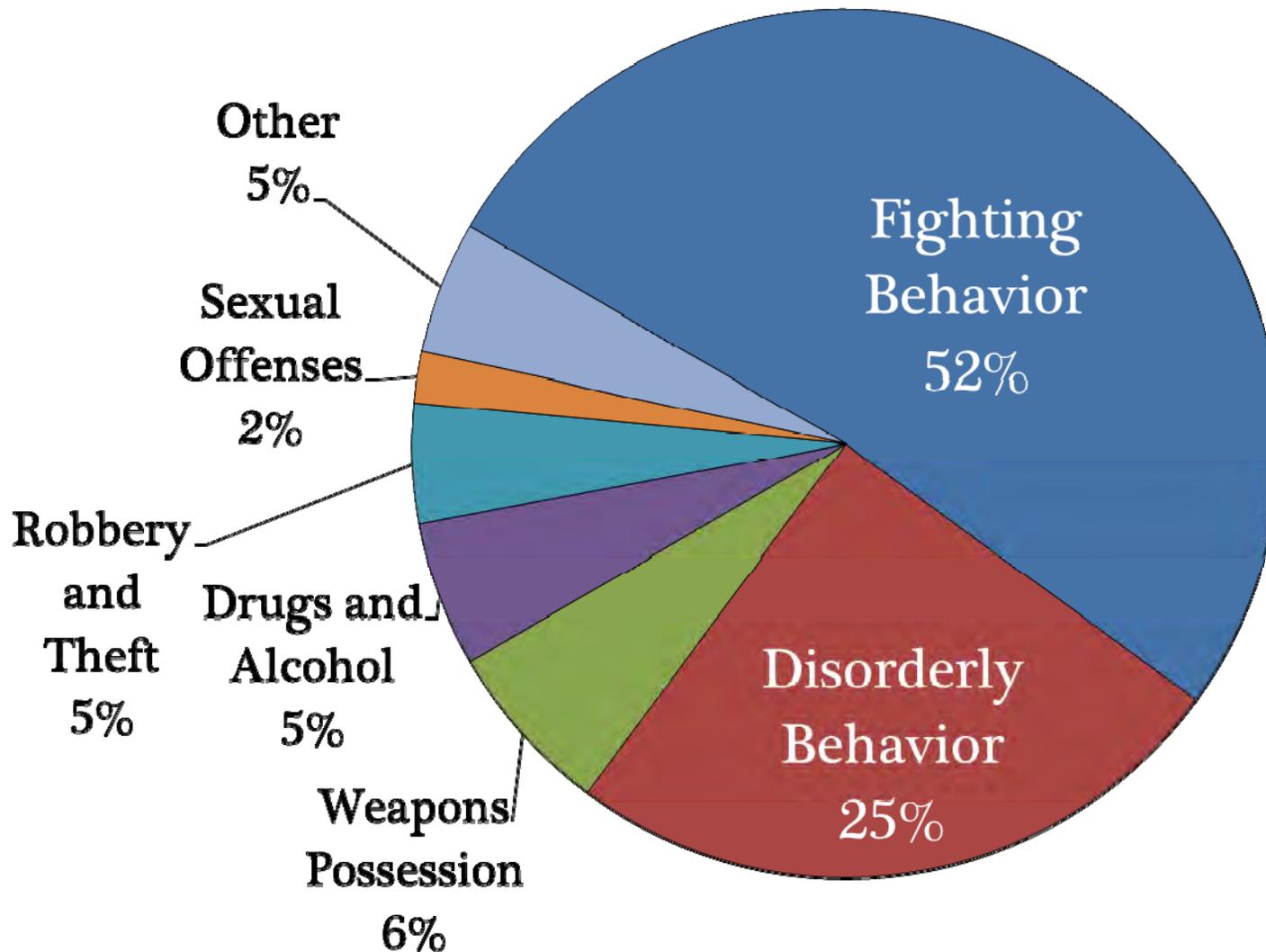
## Lead Offenses Categories For All School Arrests



## Lead Offense Categories for ALL Juvenile Arrests in Delaware

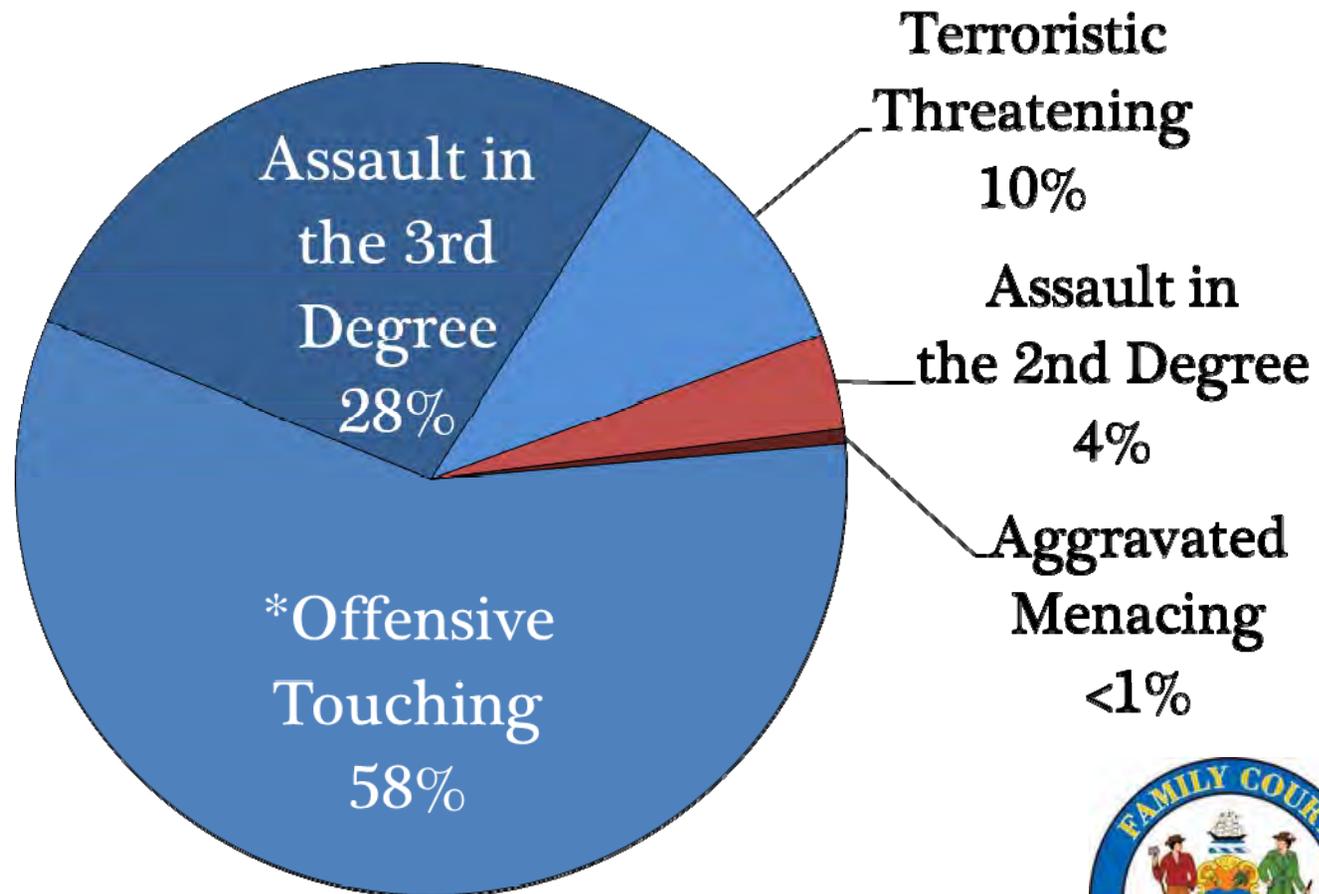


## Lead Charges Against Students Arrested



# Fighting Behavior

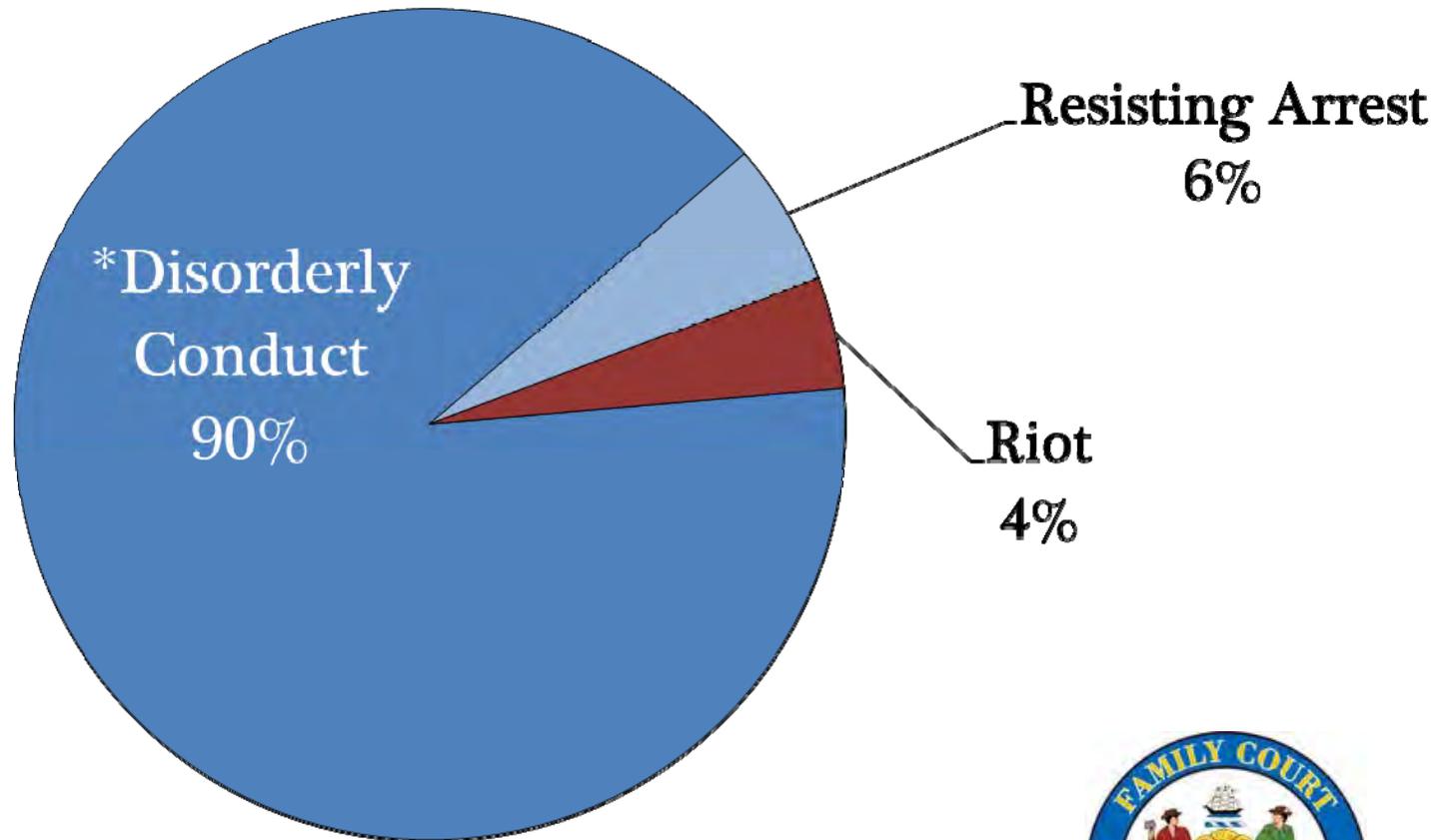
N=382



**\*34% of all juvenile arrests for offensive touching occurred in schools (Sept. 2010-June 2011).**



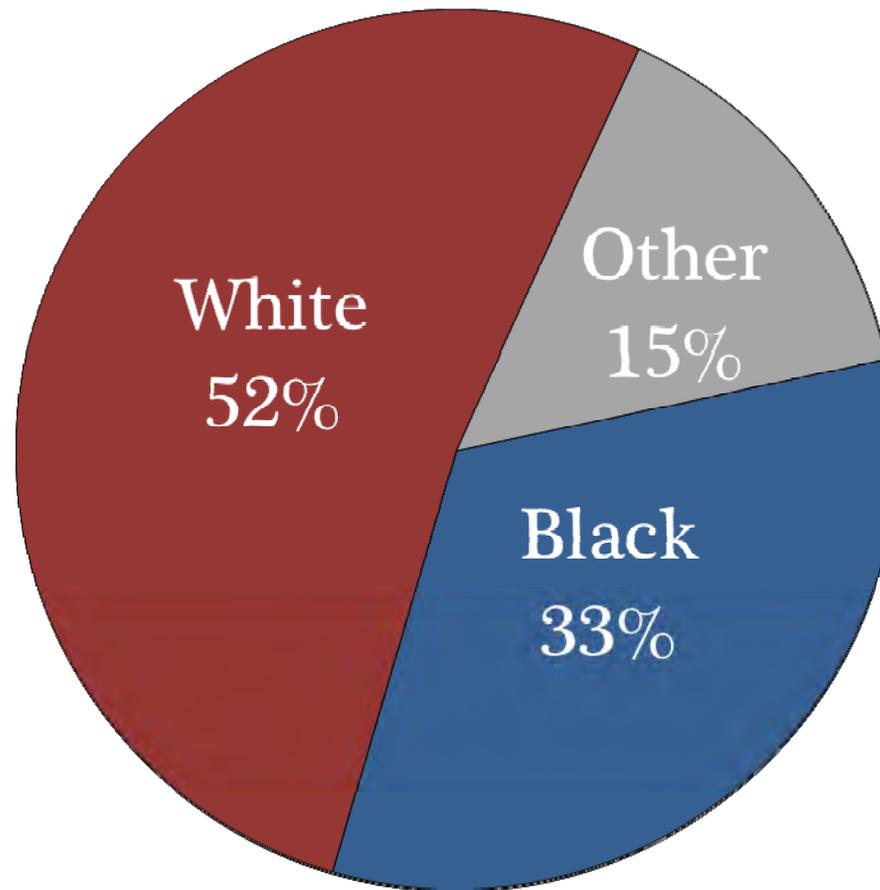
## Disorderly Behavior N=186



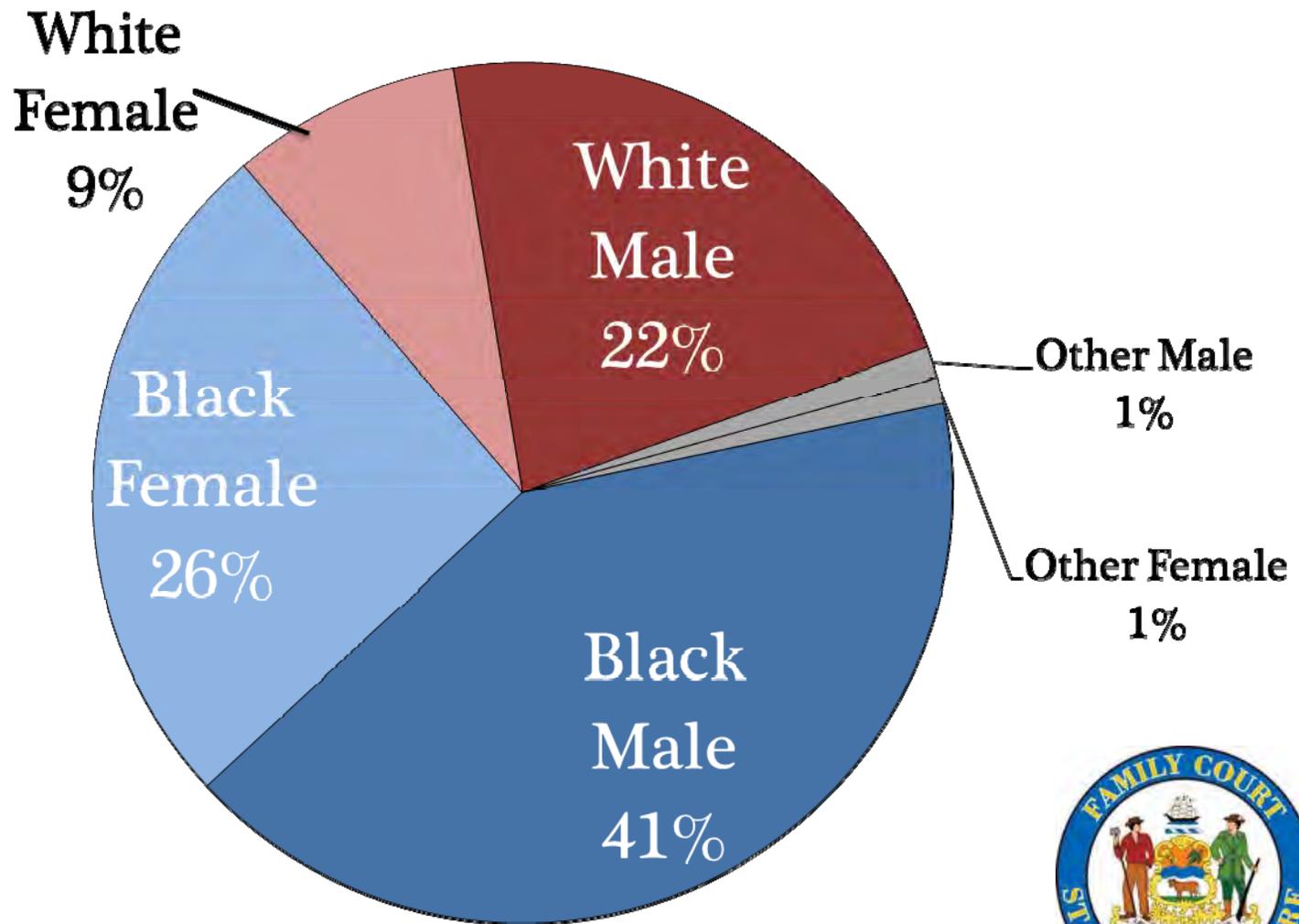
\* 49% of all juvenile arrests for disorderly conduct occurred in schools (Sept. 2010-June 2011).



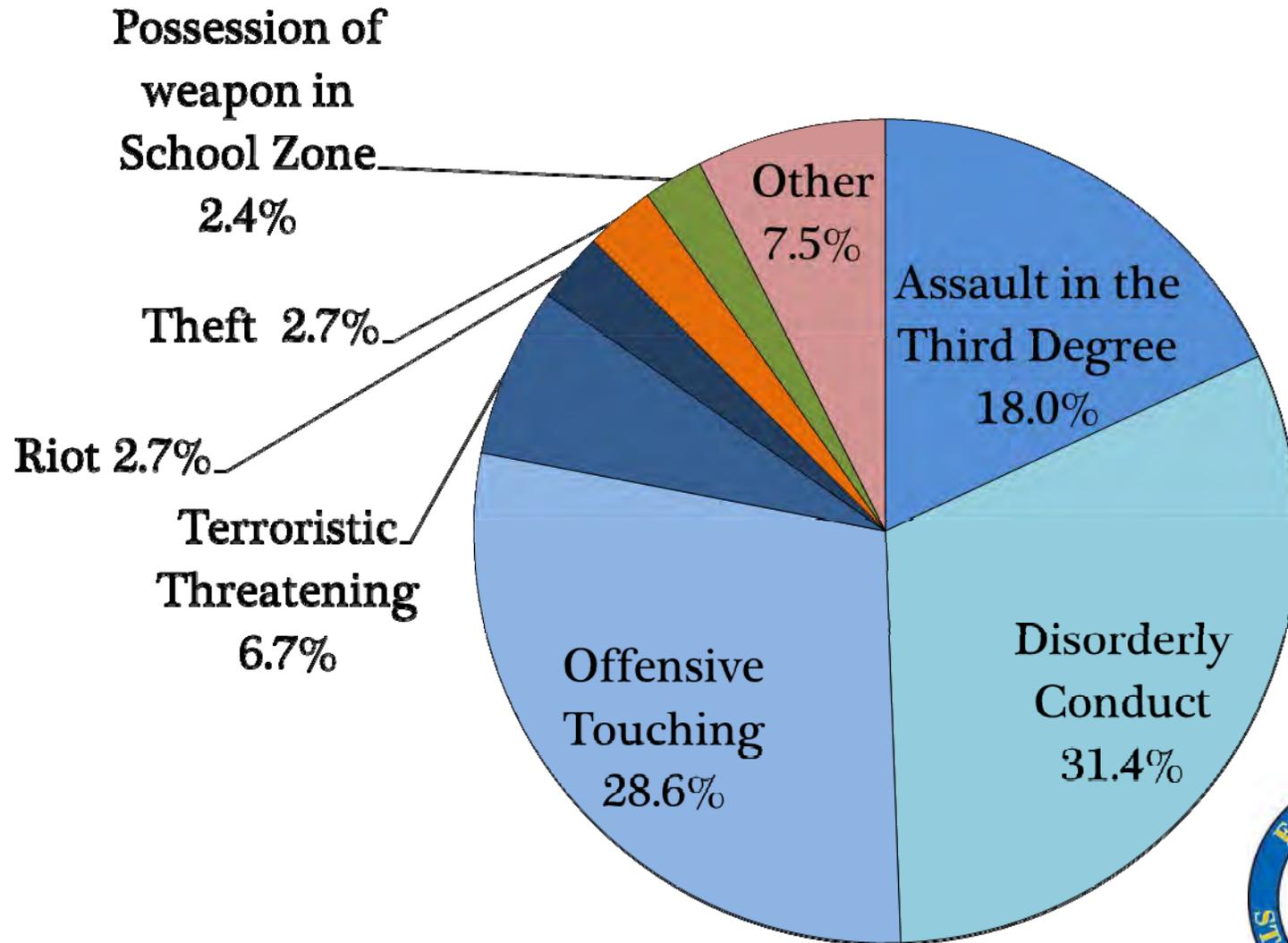
## Student Body By Race and Gender Grades 6-12



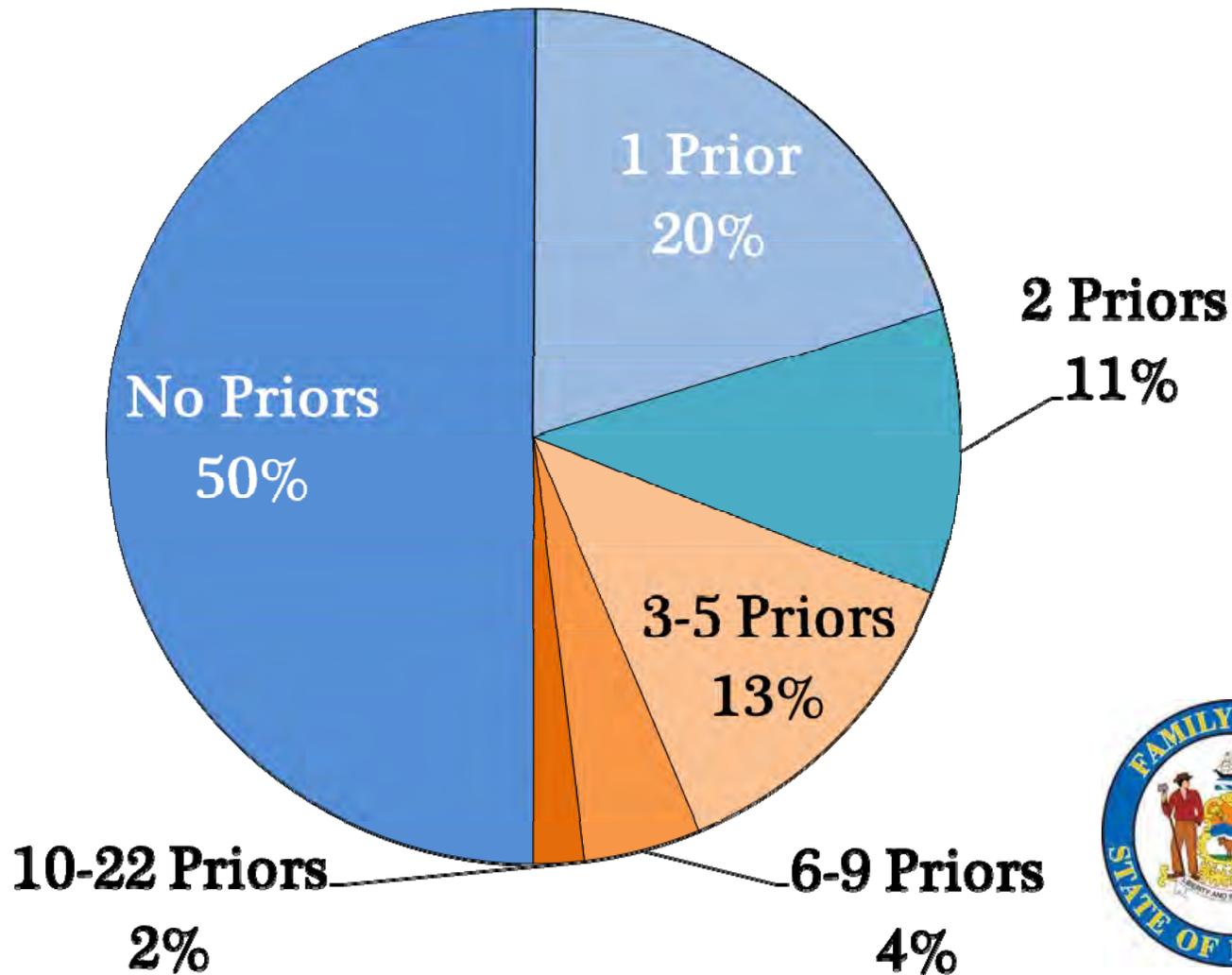
## Student Arrests By Race and Gender

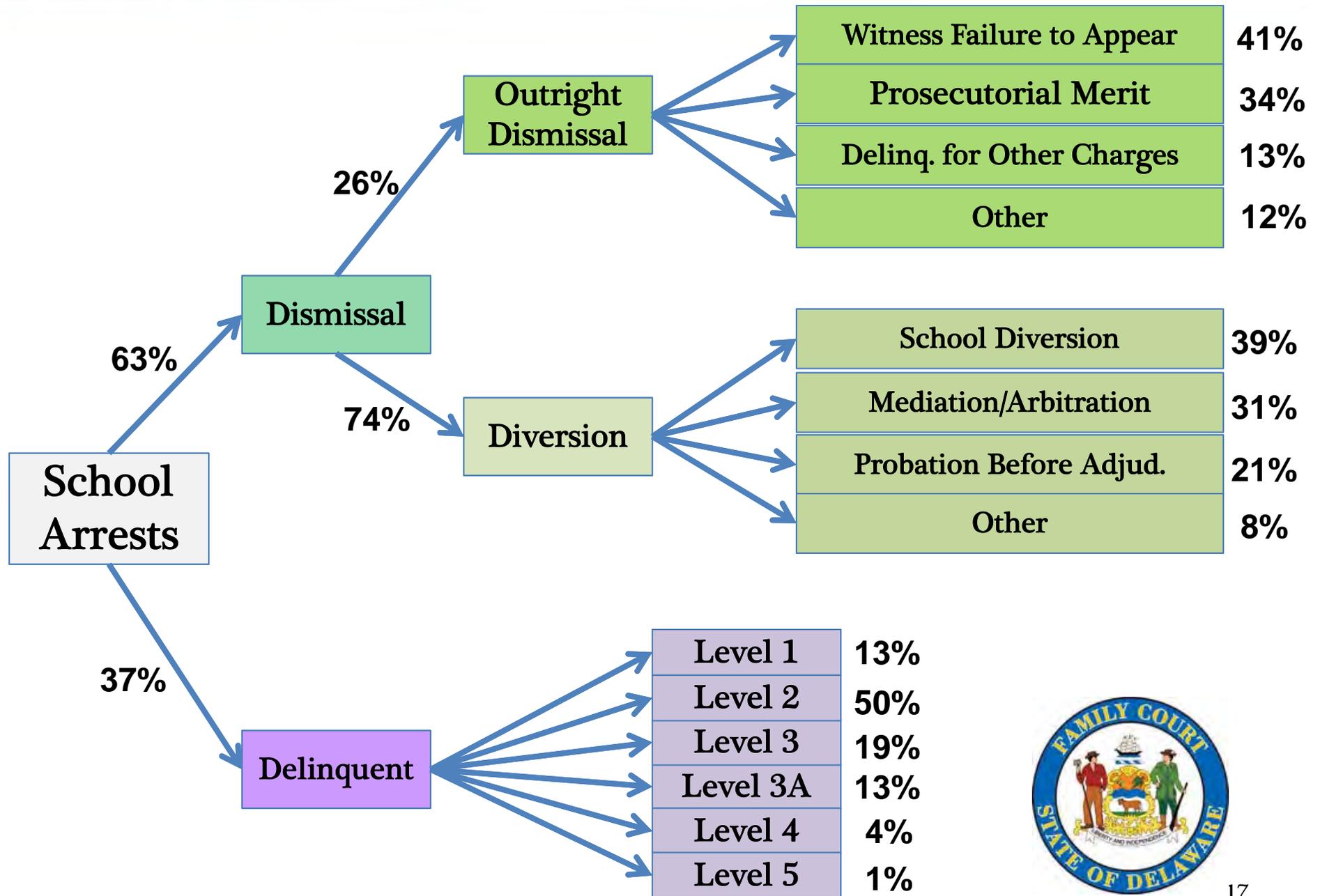


## Lead Arrest Charges for Females



## Arrest Histories for Students Arrested





## Notable Findings – Arrested Students

- Schools are exercising discretion – most criminal offenses in schools did not lead to arrests
- The offenses that did lead to arrests were predominantly minor and predominantly for fighting or disorderly behavior
- Black students were 3.5 times more likely to be arrested in school than White students
- Females students made up a larger percentage of arrests in schools than on the streets
- Half of the arrested students had no JJ contact before being arrested in school



## Notable Findings – Court Outcomes

- Most arrests did not result in delinquency adjudications
- Almost half of the students arrested were diverted



## Putting the Findings to Use

- Family Court is utilizing resources on school arrests for minor offenses that could be used elsewhere
- Students are amassing arrest records for minor offenses
- Current Diversionary Programs
  - School Diversion
  - Arbitration and Mediation
  - Probation before Adjudication



# Putting the Findings to Use

## Alternative Approaches

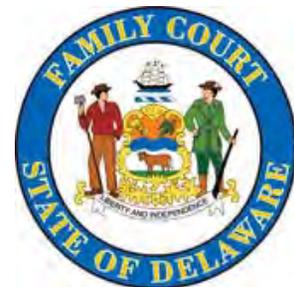
- Civil Citations
- Informal policies
- Peer Courts
- Graduated Sanctions



## Putting the Findings to Use

### Re-writing The School Crimes Law

- Stakeholders already trying to address this issue
  - Delaware already has network in place
- ❖ Data provides tangible proof



## Concluding Thoughts

1. Fightin' and fussin' are normal adolescent behaviors.
2. Fightin' can be unsafe.
3. Fussin' can be disruptive.
4. Schools, with the support of the courts, must find productive and efficient ways of addressing this behavior.
5. Schools and courts must be aware of how their approaches to school discipline affect different student populations.
6. Both schools and courts should take advantage of the modern era of data to help guide their efforts to meet this complicated goal.



## References

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