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# BULLIES IN BLUE

THE ORIGINS AND CONSEQUENCES OF SCHOOL POLICING



April 2017



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## **The Origins and Consequences Of School Policing**



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## **Introduction**

Under the auspices of protecting children, we have accepted the infringement of law enforcement into one of the most important civic institutions: our schools. Once in schools, the scrutiny and authority of law enforcement are turned upon schoolchildren themselves, the very group that's supposed to be protected. This report is intended to shed light on the origins of school policing as well as the real and devastating consequences of education under law and order. Over the past 50 years, schools—particularly in poor Black and Latino communities—have become sites of increased criminalization of young people. Coupled with the rise of mass incarceration came a punitive turn toward adolescents and the extension of youth policing from neighborhood block to street corner, to playground, and finally, to the classroom. Politicians, law enforcement, and the media created a false panic about youth crime epidemics that justified the targeted and punitive policing of low-income Black and Latino youth. Later, fears of another Columbine massacre misguidedly drove the expansion of infrastructure that ensured the permanent placement of police in schools. As this report outlines, the permanent presence of police in schools does little to make schools safer, but can, in fact, make them less so.

Like other criminal justice policies that have fueled mass incarceration,<sup>1</sup> at its origins, school policing enforced social control over Black and Latino youth who could no longer be kept out of neighborhoods and schools through explicitly discriminatory laws. Today, police officers assigned to patrol schools are often referred to as “school resource officers,” or SROs, who are described as “informal counselors” and even teachers, while many schools understaff real counselors and teachers.<sup>2</sup> Their power to legally use physical force, arrest and handcuff students, and bring the full weight of the criminal justice system to bear on misbehaving children is often obscured until an act of violence, captured by a student’s cellphone, breaks through to the public. Police in schools are first and foremost there to enforce criminal laws, and virtually every violation of a school rule can be considered a criminal act if viewed through a police-first lens. Schools offer an ideal entry point for the criminal justice system to gather intelligence, surveil young people, and exercise strong-arm policing tactics to instill fear and compliance. The capacity for school policing to turn against students instead of protecting them has always existed, and it continues to pose a first-line threat to the civil rights and civil liberties of young people.

President Donald J. Trump has committed to a “law and order” administration—a promise that includes an embrace of “broken windows” policing and “stop and frisk.”<sup>3</sup> Linking hyperbolic rhetoric about drugs and gangs with failing schools, President Trump has described cities as grounds of “American carnage.”<sup>4</sup> Such language echoes the discredited and damaging hysteria of decades past. We have every reason to fear that this rhetoric will translate into actions, and history shows us that these will have grave consequences for low-income communities of color, which have time and time again been the subjects of these policies.

A resurgence of the ethos of broken windows policing will no doubt have an impact on school policies, as policing in schools reflects policing outside schools. We have, over the past several years and as a result of cellphone cameras, seen police physically abuse children for common youth behavior. A “law and order” presidency could reverse recent guidelines issued by the Departments of Justice and Education encouraging schools to limit law enforcement

involvement in discipline, and it could lead to an expansion of the most harmful practices in school policing. Before this happens, we must understand the bad policies and flawed assumptions that got us here and the impact they have on families and communities. We must make a deliberate choice to embrace alternative approaches to school safety.

## **The Origins of School Policing**

### *Demands for Equality Met With Calls for Law and Order*

During the first half of the 20th century, millions of Black men and women fled the violent repression of the Jim Crow South, heading north and west seeking economic opportunity. Arriving in industrial towns from New York to Chicago to Los Angeles, Black families were confronted with rampant discrimination. White residents used a variety of mechanisms, including racial covenants (contracts that prohibited the sale or rental of property to Black Americans and other marginalized residents) zoning regulations, tax codes, and scare tactics, to maintain the lines of segregation in neighborhoods and schools. As *de jure* forms of segregation were dismantled by the efforts of civil rights leaders, white residents turned to violence and vandalism, which spilled over into newly integrating schools.<sup>5</sup> In 1948, the Los Angeles School Police Department had its genesis as a security unit designed to patrol schools in increasingly integrated neighborhoods.<sup>6</sup>

Across the country over the next decades, policing proliferated in neighborhoods where the promise of civil rights was undermined by overt opposition as well as structural discrimination in housing, jobs, and education. Politicians and academics diagnosed entrenched socioeconomic inequality, rising poverty rates, and the ensuing uprising of urban residents as a lack of “law and order”<sup>7</sup> caused by Black and Latino residents themselves rather than the discriminatory systems they confronted.<sup>8</sup> In schools, too, white communities argued that desegregation could not occur too quickly, claiming that a lack of discipline among Black children would bring disorder to white schools.<sup>9</sup> In place of policies and programs to promote equitable access to housing, employment, and schooling, public officials pursued a program of social and economic control. Strategies aimed at policing Black and Latino youth were essential to this punitive framework.

Relying on a law enforcement response, no matter the stated intention, came with clear costs. For example, although a committee formed to study juvenile justice proposed in 1957 to station uniformed police officers in every city public school, efforts were directed almost exclusively at poor Black and Latino neighborhoods.<sup>10</sup> Representatives of the New York City Police Department (NYPD) depicted Black and Latino students in low-income neighborhoods as “dangerous delinquents” and “undesirables” capable of “corroding school morale.”<sup>11</sup> Then as now, education advocates, parent groups, and teachers’ unions recommended that if there were funding to spend on staffing up law enforcement in every public school, that money should instead go to hiring “reading teachers, psychologists, guidance counselors, and others.”<sup>12</sup> The guidance counselors never came. Today, New York City public schools are patrolled by 5,200 full-time police officers and employs just over 3,000 guidance counselors.<sup>13</sup>

By 1967, fictionalized news reports published by local and national media demonized young people of color as “roving bands of Negro youth”<sup>14</sup> taking “over certain areas and terroriz[ing] residents” and maintaining “continual youth warfare.”<sup>15</sup> In exaggerated fashion, newspapers described youth violence as “constantly expanding” into “systems of terror over neighborhoods.”<sup>16</sup> The President’s Commission on Law Enforcement and Administration of Justice of 1967 identified youth as the biggest impediment to overall crime reduction, stating, “America’s best hope for reducing crime is to reduce juvenile delinquency and youth crime.”<sup>17</sup> Though on the surface this applied to all young people, contemporary critics of the elevation of youth policing noted that “While acknowledging that the children of middle-class, suburban families often violate the law and antagonize public officials, anti-delinquency policies usually proceed upon the premise that ‘delinquency’ is the sole property of lower-classes. Suburban youth commit crimes; urban youth become delinquent.”<sup>18</sup>

In the same moment that Black and Latino students were fighting for equal educational opportunities, public officials blamed students’ “welfare state outlook” for the deterioration of schools.<sup>19</sup> Violent attacks on Black students in Los Angeles, Boston, and elsewhere were presented as a time bomb that Black students created.<sup>20</sup> Public officials suggested that a closer relationship between schools and law enforcement would result in student accountability.<sup>21</sup> In 1966, the police department in Tucson, Arizona, had stationed police on six junior high school campuses.<sup>22</sup> In the following year, Baltimore City Public Schools asked for over 20 full-time police for its schools.<sup>23</sup> And in Washington, D.C., eight armed and 25 unarmed policemen undertook random check-ins at the city’s 136 elementary schools as part of their regular beats.<sup>24</sup> In 1979, in Boston, during the mandatory desegregation of South Boston High School, while white students rioted uninterrupted in the hallways, police refused to allow 10 Black students whom they identified as “potential troublemakers” to enter the school.<sup>25</sup> By 1972, urban school districts in 40 states had some form of policing within their schools.<sup>26</sup> As a result, youth of color were policed in neighborhoods, in bodegas, in housing project stairwells, and now, in classrooms.<sup>27</sup>

In some areas, leaders argued that “positive” interactions between police and youth of color were essential to better community relations.<sup>28</sup> That was the narrative that public officials in New Jersey’s Somerset County used to form a partnership between the school district and the county police in 1973. The program sought to staff two low-income schools with full-time officers to quell tensions surrounding school desegregation. According to the superintendent, “[i]nvestigation and enforcement is not the school resource officer’s primary role. We’re trying to do just the opposite—to build confidence in the individual.”<sup>29</sup> Programs such as the one in Somerset County developed in states as disparate as Arizona, California, and Michigan, though all were concentrated in urban areas, where the policing of low-income communities of color had become routine. The positive rhetoric surrounding these initiatives normalized a sustained, increasingly invasive, and often hostile police presence in low-income educational institutions.<sup>30</sup>

### *Making Delinquency*

The expansion of police presence in schools corresponded with a broader shift toward viewing youth through the lens of criminal justice. Classifying Black and Latino youth as “delinquent” or

“potentially delinquent” rationalized an expanding police presence for the expressed purposes of preventing *future crime*.<sup>31</sup> By the late 1960s, youth crime prevention programs were initiated in many of the nation’s biggest cities. Many of these were funded federally pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, which offered grants through the Law Enforcement Assistance Administration to jurisdictions to engage in programming that encouraged youth to have “respect for law and order.”<sup>32</sup>

In Kansas City, Missouri, for example, a program allowed teachers and school administrators to label students as young as nine years old as “pre-delinquent”—which then subjected children without any history of wrongdoing to a variety of police contacts and marked them subject to further interrogation.<sup>33</sup> In Oakland, California, a “juvenile control coordinator” was hired to monitor and share information among school and law enforcement officials about youth who had contact with city agencies. Oakland police would track students whom school administrators deemed delinquent, detaining young students irrespective of whether or not a crime was reported.<sup>34</sup> As early as 1970, the Chicago Police Department had begun preventative patrols in the South Side schools, cruising surrounding neighborhoods and sending plainclothes officers onto school campuses.<sup>35</sup>

Programs that gave teachers and administrators, as well as law enforcement, the authority to identify students as “pre-delinquent” are at the origins of what is now called the “school-to-prison pipeline.” The extension of punitive agencies into virtually every aspect of the lives of Black and Latino children and the criminalization of common youth behaviors like “insubordination”—a vague term that became a catchall for any behavior and that has since been applied in racially discriminatory ways—predisposed school teachers, law enforcement, and other officials to treat students as ripe for future criminal activity and virtually ensured a rise in juvenile crime rates.

With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, the authority of law enforcement to engage youth based on assumptions of future behavior was fully incorporated under federal law.<sup>36</sup> In the years that followed, programs that targeted “pre-delinquent” youth proliferated throughout major cities. Baltimore City Public Schools allowed researchers to test some 4,500 students whom teachers had identified as “pre-delinquent” or as having “maladaptive” behavior, to the outrage of parents, educators, and child advocates.<sup>37</sup> Some school districts lacked any definition of pre-delinquency. Others defined pre-delinquency by reference to behaviors—“short attention spans . . . [and] quick temper[s]”—recognized today as likely associated with learning or cognitive disabilities.<sup>38</sup> This left room for teachers to label any student who misbehaved or struggled as pre-delinquent. Though many of these programs had components that sought to encourage student self-esteem, they simultaneously branded students with a “red flag” that reinforced prejudgments of criminality by teachers and law enforcement alike.<sup>39</sup>

Critics of school policing continued to argue that it was impossible to “dispense education under armed guard”<sup>40</sup> and decried the creation of a “push-out” phenomenon as a turn away from civil rights promises.<sup>41</sup> In 1975, the Washington, D.C., Superintendent of Public Instruction warned that many schools had already established a “police state atmosphere” that, in some parts of the country, more closely resembled a prison than a learning environment.<sup>42</sup>

## *Creating Moral Panic*

Despite voices of dissent, Black and Latino communities struggling with poverty and entrenched inequalities continued to face a law-and-order approach to education through the 1970s and into the 1980s. Central to this approach was the “War on Drugs,” introduced by President Richard M. Nixon in 1969 and carried forward as a cornerstone of American policy for several decades. The War on Drugs was, according to top aide John Ehrlichman, a campaign designed to use fear of addiction to justify a police presence in low-income neighborhoods of color.<sup>43</sup> That police presence reached directly into schools. Posing as high school students, young police recruits were sent into schools in California, Virginia, and the District of Columbia to find and arrest students with drugs, most often minimal amounts of marijuana.<sup>44</sup> In Los Angeles, 176 students were arrested from just six high schools as part of a tactical raid—the overwhelming majority for marijuana possession.<sup>45</sup> These tactics were not an essential function of public safety, but rather a means to survey, catalogue, monitor, and control youth of color.<sup>46</sup>

When the now infamous “broken windows” policing strategy—which sought to crack down on petty crimes on the premise that it would prevent more serious ones—was first articulated by social scientists in 1982, it targeted “rowdy youth” as essential subjects of its application.<sup>47</sup> Consistent with this theory, school policing during this era approximated the brutal policing of neighborhoods of color at large. Dedicated school police units, intrusive searches of students’ belongings, the use of K-9 units, and the proliferation of patrols increased. Detroit established mobile sweep teams to check for weapons.<sup>48</sup> Jurisdictions such as Boston, Los Angeles, and Dade County, Florida, established their own full-time school police forces.<sup>49</sup> In California, the Compton Unified School District initiated a district-wide plan that included police and undercover agents on all school campuses as well as daily sweeps of Compton streets to arrest truant youth.<sup>50</sup> As sociologist Christian Parenti pointed out about New York City, by the 1980s, students living in segregated poverty had gotten “an unofficial, unacknowledged curriculum on how to be searched, scanned, ID’d, detained, interrogated, and expelled.”<sup>51</sup>

News outlets and public officials depicted Black and Latino communities as riddled with gang violence, drugs, and weapons. A nationwide survey revealed that over 87 percent of adults believed that there was a rise in serious juvenile crime throughout the 1980s.<sup>52</sup> Yet, while admissions to juvenile detention centers had grown by 600 percent in the years between 1977 and 1986, there was no violent juvenile crime wave. In fact, much of what young people were being detained for were minor offenses that were criminal only because of their status as juveniles.<sup>53</sup> In Alabama, 74 percent of incarcerated children were detained for status offenses (e.g., skipping school), misdemeanors, probation violations, and other minor charges.<sup>54</sup>

Thus, while crime generally increased in the 1980s, rates of *school-based* violence were wildly exaggerated. A 1990 report from the New York Joint Commission on Integrity in the Public Schools found that media reports of drugs and weapons misrepresented the reality of what was actually occurring in schools. As the commission’s chair pointed out, “The bottom line is, as far as I can tell, there was precious little drug use and few weapons. We deliberately tried to pick schools where there might be.”<sup>55</sup> Commenting on the findings, President of the Board of Education Robert F. Wagner Jr. said, “Our schools are not the blackboard jungles people assume.”<sup>56</sup> In fact, violence in schools had remained relatively stable since the mid-1980s.<sup>57</sup>



In 1993, even after the commission report debunked such hysteria, Rudy Giuliani, then mayor-elect of New York City, exploited panic about youth violence to call for a more militarized approach to school policing. His plan included the use of SWAT gear in schools, the creation of a juvenile database to disseminate information on youth through city agencies, and placement of police officers at every school in the city.<sup>58</sup> In stark contrast to school officials studying the issue, Giuliani painted a picture of an education system in which “Children have been murdered, teachers have been harmed, the confiscation of weapons in schools keeps increasing.”<sup>59</sup>

National media and policy debates were permeated with fear of juvenile crime throughout the 1990s. Policymakers and politicians cast youth as potential “superpredators” who, in the words of John DiIulio, an advisor to President Bill Clinton, were primed to “kill or maim on impulse, without any intelligible motive.”<sup>60</sup> While youth violence was actually declining by the mid-1990s and was never concentrated in schools, government officials called for increased policing of schools.<sup>61</sup> In 1993, eight Orlando elementary school students ages six through nine were charged with burglary or theft after they broke into their classroom, tore up report cards, and sprinkled crayons and tacks on the floor, an incident the local paper referred to as a “rampage.”<sup>62</sup> In 1994, District of Columbia Public Schools added an additional 60 police officers to its school police force, including several officers drawn from a tactical Violent Crime Response Team.<sup>63</sup> For many young people, school—“the first opportunity most citizens have to experience the power of government”<sup>64</sup>—increasingly came to resemble the criminal justice system.

### *Broken Windows Discipline*

Linking criminal justice priorities to the education system expanded the reach of law enforcement into the lives of students. It also began to shape education policy. States and school districts adopted “zero-tolerance policies,” which created a system of mandatory suspensions and expulsions for behavior as trivial as chewing gum, talking back to a teacher, or using a mobile device (pagers) during school hours.<sup>65</sup> In 1989, school districts in Louisville, Kentucky, and Orange County, Florida, adopted policies to expel students for any activity deemed “gang- or drug-related.”<sup>66</sup> In the same year, Yonkers, New York, adopted a zero-tolerance policy for any behavior considered school disruption.<sup>67</sup>

Much as the Juvenile Justice and Delinquency Prevention Act of 1974 lent credence to predictive policing of youth in and out of school, the Gun-Free Schools Act of 1994—which mandated that students who brought firearms to school be expelled—became a model for a broadly punitive approach to youth behavior in schools. School discipline codes extended beyond criminal code to impose strict behavior standards and harsh penalties on students for noncompliance. In adopting their own zero-tolerance laws, states expanded the definition of a “weapon”—including to seemingly innocuous objects like nail clippers or Nerf guns—and increasingly applied exclusionary consequences in situations where student behavior was deemed “disruptive.”<sup>68</sup> By 2001, 90 percent of school systems had implemented some form of zero-tolerance or three-strikes discipline policy.<sup>69</sup>

As more and more students were pushed out of school through policing and zero-tolerance discipline, new punitive structures were also devised to anticipate the regular removal of

hundreds of students from schools. According to data compiled by the National Center for Education Statistics, alternative school enrollment more than tripled between 1990 and 2000.<sup>70</sup> As Education Week reported in 1998, “[p]rivate, for-profit alternative schools can’t multiply fast enough for parents and principals anxious to find new venues for students cast out of public schools.”<sup>71</sup> In 2001, federal grant funds were allocated to incentivize development of programs requiring expelled students to perform community service, and to establish the School Security Technology and Resource Center in partnership with the National Law Enforcement and Corrections Technology Center.<sup>72</sup> Federal education law also incentivized spending on metal detectors, police officers, and alternative schools.<sup>73</sup> As schools pivoted to exclude and push out students most in need of supportive services and quality education, the perceived need for police in schools increased.

### *The Concept of the School Resource Officer*

The federal government’s embrace of school policing has made law enforcement patrolling the halls appear acceptable, even preferable, as embodied by the term “school resource officer.”<sup>74</sup> However, an examination of federal policy history reveals flaws in both concept and implementation.

Alongside the passage of the Gun-Free Schools Act, the Violent Crime Control and Law Enforcement Act of 1994<sup>75</sup> allocated \$9 billion to increase the numbers of police officers on streets and encourage crime prevention through “community policing.”<sup>76</sup> The federal Office of Community Oriented Policing Services (COPS) was formed to administer the funds. Even early COPS grantees placed emphasis on youth policing, once again cast as “prevention.”<sup>77</sup> Among the early grantees, the expanded Los Angeles Unified School District Police Department received funding in 1996 for more than 29 additional police officers.<sup>78</sup>

Media coverage of several heinous school shootings intensified the belief—contrary to actual crime trends—in a growing threat of juvenile violence and propelled the federal push for police in schools beyond urban centers. In 1998, for the first time, Congress expressly allocated funding for COPS in Schools grants.<sup>79</sup> The legislation referred to these police as “School Resource Officers.” Introducing the bill, Senator Ben Campbell referred to then-recent school shootings as “shatter[ing] the myth that school violence is a problem solely confined to the inner cities.”<sup>80</sup> Representative James Maloney characterized schools as “increasingly dangerous places to be” and lamented an approaching demographic shift in which the country would “see a rise in the number of young people in the age group which might be exposed to these situations.”<sup>81</sup> Days after the Columbine High School shooting in 1999, President Clinton cited the first round of COPS grants as a response that would allow schools and police to form partnerships focused on “school crime, drug use, and discipline problems.”<sup>82</sup> In 1998 and 1999, “COPS awarded 275 jurisdictions more than \$30 million for law enforcement to partner with school entities to address crime and disorder in and around schools.”<sup>83</sup>

In a nod to the educational mission of schools, lawmakers also asserted that school police would use tactics other than arrests and use of force. Senator Campbell stated that police in schools “would develop or expand community justice initiatives” and “train students in conflict

resolution,”<sup>84</sup> a role Senator Lincoln Chafee, a co-sponsor, described as the “most important[]” objective of school resource officers.<sup>85</sup> Members of the House similarly emphasized restorative justice goals and the prevention of police and court involvement.<sup>86</sup> However, as with earlier iterations, the promise of positive support services eased the way for the expansion of policing powers, but the services never materialized. Instead, police, who were neither trained nor certified in counseling or social work, carried on with traditional policing models, addressing perceived rowdiness and disorder through arrests and surveillance of schoolchildren.

### *Cracks in the Façade*

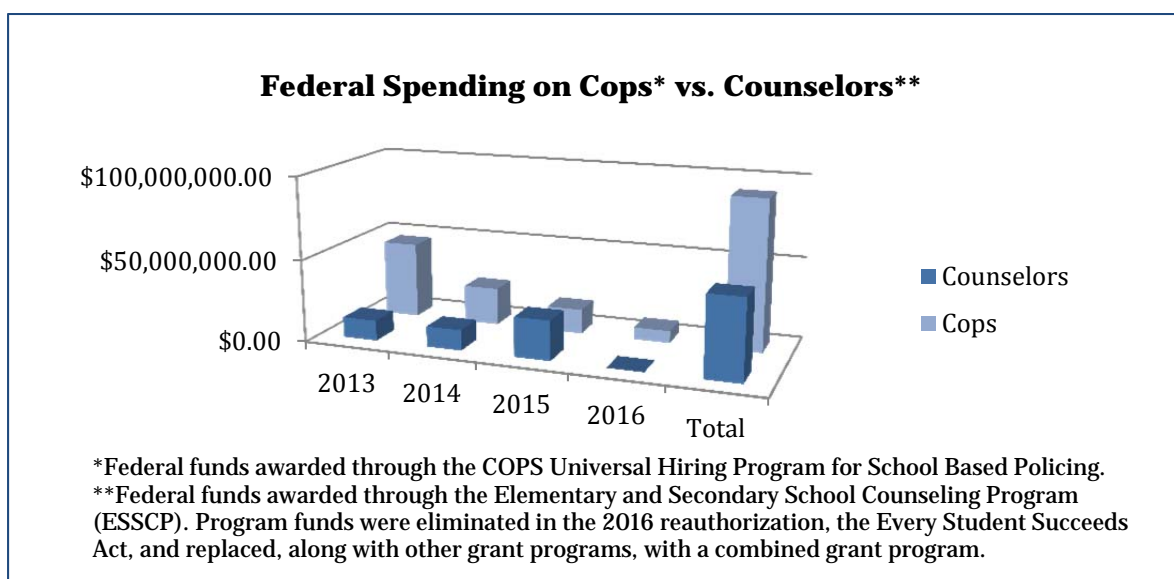
Community policing did not materialize according to its rationale in either neighborhoods or schools. Outside of schools, a review by the National Institute of Justice found that community-oriented policing grantees engaged in “traditional programs now subsumed under the community policing label,”<sup>87</sup> relying on zero-tolerance arrests and failing to meaningfully engage community in partnerships.<sup>88</sup> By 2005, the effectiveness of COPS school policing grants also faced questions from both the right and the left.<sup>89</sup> The predicted wave of juvenile crime had given way in the national consciousness to fears of terrorism, and congressional budget battles pitted community policing against even more draconian homeland security measures.<sup>90</sup> The National Association of School Resource Officers (NASRO), while continuing to stress the threat of weapons and drugs in schools, began to argue that funding of school resource officers was an essential part of a homeland security response.<sup>91</sup> While school police could still be supported through general grant funds after 2005, designated federal funding for school police ended.<sup>92</sup>

While federal funding diminished, school districts and county police departments continued to support a range of programs that criminalized students. In one Pennsylvania county, these practices were scandalized when it came to the attention of media that zero-tolerance disciplinary policies were being used to justify referrals to the juvenile justice system. In what became an egregious example of the connections between school exclusion and practices of student criminalization, reporters revealed that between 2003 and 2008, almost 2,500 students had been removed and detained in private juvenile facilities while judges took kickbacks for their participation.<sup>93</sup> In New York, Los Angeles, and elsewhere across the country, programs that incentivized interconnectivity between schools and law enforcement continued to grow.

The concept of school policing came under further scrutiny as stories like the Pennsylvania scandal generated concerns over the negative consequences of punitive school discipline, dubbed the “school-to-prison pipeline.”<sup>94</sup> In 2011, the Obama administration created the Supportive School Discipline Initiative and embarked on a series of efforts to address punitive school discipline practices that undermine education and disproportionately impact students of color.<sup>95</sup> In December 2012, the Senate held a hearing entitled “Ending the School-to-Prison Pipeline.”<sup>96</sup> Among those who testified at the hearing, Judge Steven Teske, Chief Judge of the Juvenile Court of Clayton County, Georgia, spoke about the negative consequences of zero-tolerance discipline for both graduation rates and school safety, and the promise of effective alternative approaches.<sup>97</sup>

## *A New Narrative of School Safety*

The momentum for school policing reform hit another setback when just days after the Senate hearing, a gunman killed 20 young children at Sandy Hook Elementary School in Newtown, Connecticut. A new narrative ascended to justify school policing, accompanied by renewed federal support. The month after the tragedy, in January 2013, President Barack Obama announced a plan to address gun violence, “Now is the Time.”<sup>98</sup> Alongside stronger gun regulations and mental health provisions, the plan called for federal funding to put more police officers in schools and to support the purchase of school safety equipment. Starting in 2013 and continuing through 2016, applicants for COPS grants who requested funds for hiring and deploying school police received additional consideration.<sup>99</sup> Now is the Time called for counselors in addition to police, yet once again, the expansion of policing outpaced other promised measures. In 2013, the first year of the initiative, school policing received almost four times the federal grant funding as did school counseling (\$46.5 million and \$12.3 million, respectively).<sup>100</sup>



## **The Expanding Presence and Costs of School Policing**

### *The Growth of School Policing*

While students in low-income communities of color have long experienced school policing, the practice has expanded significantly since 1990. In 1975, only 1 percent of schools reported having police officers stationed onsite.<sup>101</sup> By the 2003-2004 school year, 36 percent of schools reported having a police presence.<sup>102</sup> Today, NASRO boasts that “[s]chool-based policing is the fastest-growing area of law enforcement.”<sup>103</sup>

Today, 24 percent of elementary schools and 42 percent of high schools have police on campus.<sup>104</sup> However, most schools still *do not* have police,<sup>105</sup> and school policing continues to disproportionately impact young people of color. As of 2013, 51 percent of high schools with majority Black and Latino enrollment had law enforcement officers on campus, and across the country, Black students were more than twice as likely as their white classmates to be referred to law enforcement or arrested at school.<sup>106</sup>

Federal, state, and local support have all fueled the growth of school policing.<sup>107</sup> A 2004 survey conducted by NASRO of attendees at its national conference found that 45 percent of respondents had school resource officer positions that were currently or formerly supported by a COPS grant.<sup>108</sup>

Between 1995 and 2016, the federal Office of Community Oriented Policing Services spent nearly \$300 million (at least \$286,293,110) on the creation of school policing infrastructure.<sup>109</sup> Most of this money—\$236,667,950—has gone to seed the establishment of school police officer positions in all 50 states, the District of Columbia, Puerto Rico, American Samoa, and the U.S. Virgin Islands. An additional \$49,625,160 has paid for security programs and equipment.

In addition to grants through the Office of Community Oriented Policing Services, federal dollars have supported the expansion of school policing through state sub-grants under a number of federal programs. Between 1994 and 2009, up to 40 percent of funding through the Safe and Drug-Free Schools and Communities Act (SDFSCA), provided through the Department of Education, could be used to hire and train school police and to support other security measures, such as metal detectors.<sup>110</sup> Virginia, for example, allocated half a million dollars of SDFSCA grant funds in 1998 for the hiring of school resource officers.<sup>111</sup> The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Juvenile Accountability Incentive Block Grants and Juvenile Accountability Block Grants also provided funding sources for school police through 2014.<sup>112</sup> For example, in South Carolina, OJJDP sub-grants totaling close to \$2 million funded 11 officers for two to three years each between 2001 and 2006.<sup>113</sup> Finally, Bureau of Justice Assistance (BJA) Byrne Justice Assistance Grants (JAGs) continue to provide funding for school policing.<sup>114</sup> In 2012, Virginia used \$446,342 in BJA funds to support school resource officers in 22 counties. Localities were required to match this with a total of \$195,659.<sup>115</sup> The city of Longview, Washington, received nearly half a million dollars in local JAG funds (\$467,085) between 2005 and 2016 to support its school resource officer program.<sup>116</sup>

Federal funding for school policing, particularly in the early 2000s, fueled an expansion of the creation of school policing programs and lent credence to the practice. Following the federal model, a number of states have also instituted grant programs for school police (e.g., Arizona,<sup>117</sup> Idaho,<sup>118</sup> Indiana,<sup>119</sup> Kentucky,<sup>120</sup> Minnesota,<sup>121</sup> Mississippi,<sup>122</sup> New York,<sup>123</sup> Pennsylvania,<sup>124</sup> Tennessee,<sup>125</sup> and Virginia<sup>126</sup>).

## *The Local Squeeze*

While federal funding has legitimized and expanded the concept of the school police officer, the majority of funding for school police comes out of local budgets. After a federal or state grant runs out, localities are expected to maintain the school police officer position through local resources. The price tag for school policing can add up quickly. The cost of maintaining a single school police officer can be more than \$100,000 per year.<sup>127</sup> As the ACLU of Washington found, Spokane Public Schools paid over a million dollars in one year for school police officer salaries and benefits.<sup>128</sup> The struggle over funding for school police plays out in communities large and small and occurs in a context in which, across the country, spending on corrections at the state and local levels has grown at triple the rate of education spending.<sup>129</sup>

For example, Anchorage, Alaska, introduced school police through a COPS grant. When grant money ran out, the city struggled to cover the \$3 million annual cost of policing schools and eventually shifted the entire cost to the school district.<sup>130</sup> In 2013, when asked how the school district would cover an already substantial budget deficit while paying for school police, a district representative responded, “[a]nything and everything is on the table at this point.”<sup>131</sup> Amid ongoing education budget struggles, the city eventually took on the cost of school policing again,<sup>132</sup> but no matter the agency budget line, the \$3 million cost of the school policing program is paid by the Anchorage community at a time when funds for teachers continue to be cut.<sup>133</sup>

As the designated COPS in Schools grant program came to a close in 2005, the COPS office commissioned a guide to maintaining a school policing program. The guide recommends that school districts keep police on campus at the expense of other school priorities by cutting budgets and “reallocat[ing] 1% from other budget line items—e.g., technology, supplies, sports, capital expenditures.”<sup>134</sup> The West Orange, New Jersey, city council maintained its school resource officer program by cutting funding for recreation, the public library, and public works.<sup>135</sup> In 2013, Chicago Public Schools—facing a budget crisis wherein the district cut several educational staff positions—increased its payments to the Chicago Police Department to \$13 million to fund 152 police officers stationed in Chicago schools.<sup>136</sup> In North Carolina, which ranks 46th in per-pupil spending,<sup>137</sup> school police placements have increased in recent years, “despite decreasing funding for support staff (e.g., counselors, social workers, and psychologists) and other essential personnel and resources in public schools.”<sup>138</sup>

Even when new funding is allocated for specific educational purposes, it may be diverted to pay for policing. In 2013, California enacted a local control funding formula intended to promote equity and provide additional services for English-language learners, foster youth, and low-income students. Yet in some districts, funding intended to help students has instead been used to support school policing. The Education Trust found that of the 40 school districts sampled, roughly half utilize these funds for school policing.<sup>139</sup> In California, Stockton Unified School District spent funds on “nine full-time police, one full-time crime data analyst, eight full-time high school campus safety monitors, and a \$1.5-million security system.”<sup>140</sup> It did not explain how this would increase or improve services for the students the funds are intended to benefit.<sup>141</sup>

## What Does a Police Officer Do in School?

The role of police in schools differs from state to state, district to district, and school to school.<sup>142</sup> At the national level, the federal COPS office and professional organizations like NASRO have come to describe the job of the school resource officer as a triad of law enforcement, counseling, and teaching.<sup>143</sup> Whether or not school police in a particular district or school espouse elements of this triad, school police are always, first and foremost, engaged in law enforcement.

### *Law Enforcer*

Law enforcement forms the foundation of the school resource officer triad and is always a school police officer's primary role.<sup>144</sup> In keeping with this foundation, police officers spend the largest percentage of their time on law enforcement<sup>145</sup> and describe their role at schools as focused on disorder and rowdiness (though not within-school violence).<sup>146</sup> Yet the "criminal" disorder addressed by police in schools is the type of adolescent conduct that otherwise would be handled through school discipline.<sup>147</sup>

2005 guidance from the federal Office of Community Oriented Policing Services exemplifies how student behavior can be redefined as criminal when police are brought into schools. The guide relays this example of "peer learning" among school police:

A relatively new SRO called [an experienced SRO, Jameson] for advice about how to handle a student who reported that another student had a pocket knife in school. The new SRO had already searched the student and found the knife—and cigarettes. The assistant principal wanted the student arrested for weapons possession, but the SRO had pointed out that it was not illegal in Illinois to have a pocket knife. The SRO was unsure whether he could charge the student with some other offense. Jameson said to ticket the student for possession of cigarettes and *charge him with disorderly conduct on the grounds that, because other students knew of the knife, the student's carrying it in school had created a disruption.*<sup>148</sup> [emphasis added]

The guide further identifies administrator resistance as a barrier to school policing programs, citing the example of a police officer who "once had to threaten to arrest a principal for interfering with a police officer in the performance of his duty when the administrator was physically barring [the police officer] from arresting a student."<sup>149</sup> Similarly, NASRO cautions against "convert[ing] some violations of law and school rules into teachable moments and educational opportunities" and suggests that this could "lead to criminal liability for obstruction of justice" by educators.<sup>150</sup>

### *Informal Counselor*

School police officers are sometimes also described as “informal counselors.”<sup>151</sup> However, if our schools are in need of additional counselors and adult role models, turning to police is not an obvious or the most suitable choice. Unlike a school psychologist or social worker, for example, a police officer lacks specialized training.<sup>152</sup> A school counselor’s first duty is to the students they counsel, and they are bound by ethical standards to keep student information confidential absent certain exigent circumstances.<sup>153</sup> Police officers do not have the same obligation. Instead, police may share information with other law enforcement agencies or use information gathered against a student or a students’ family and friends. As one school police officer relayed, “there are limits to the confidentiality [kids] can assume with you [an SRO].”<sup>154</sup> A child may believe they are confiding in a trusted adult, only to find the conversation turn into an interrogation and end with their arrest.<sup>155</sup>

### *Teacher*

Identified roles for school police also include teaching and mentoring, yet when these roles are undertaken, they serve law enforcement rather than educational objectives. At best, these efforts are intended to foster positive views of police or teach children about crime, objectives which do not require regular assignment to schools.<sup>156</sup> However, the effects of such efforts are not always benign. For example, in Milwaukee Public Schools, a pilot program for fourth and fifth graders, Students Talking It Over with Police, or STOP, was initiated with the goal of increasing positive perceptions of police among youth.<sup>157</sup> A review caused the school district to abruptly cancel the program.<sup>158</sup> Concerns included “a classroom skit in which an actual police officer pretends to pull out a gun and threatens to shoot if a student runs away — and then repeatedly yells: ‘Bang, bang, bang,’” and a requirement to sign a pledge “never to run from the police, fight with police, or argue with the police.”<sup>159</sup> According to a member of the review committee, it “teaches students the police are correct and that the problem is really the youth.”<sup>160</sup>

### *Emergency Responder*

Although not a part of the triad, following the Newtown shooting, increased emphasis has been placed on the school police officer as emergency responder. Police can play an important role in emergency preparedness, but this role does not require regular presence patrolling a school,<sup>161</sup> nor does research support reliance on school-based police to deter school shootings.<sup>162</sup> First, a narrow focus on assigning police to schools detracts from creating a comprehensive emergency response plan. Government researchers found that incorporation of school police in school emergency planning increased from 42 percent of schools in 2007 to 89 percent in 2015; however, there was virtually no change in the number of schools involving other community partners, such as a local health agency, in their emergency response planning.<sup>163</sup> Schools and communities may also overlook other evidence-based approaches to school safety. In 2000, the Secret Service reported its analysis of past incidents of targeted violence at schools; it recommended, “schools may make the best use of their resources by focusing on prevention, and



not by relying exclusively on law enforcement to respond to and resolve school-based attacks.”<sup>164</sup> Similarly, following the Newtown shooting in 2012, many school districts wasted time and money on efforts like hiring school police in a rush to respond, but without careful analysis of the evidence.<sup>165</sup> When the Sandy Hook Advisory Commission released its report and recommendations after thorough investigation and input from experts, it focused on safety solutions like ensuring that all classroom doors can be locked and keeping an up-to-date emergency plan.<sup>166</sup>

### *School Disciplinarian*

In recent years, groups like NASRO and the federal COPS office have acknowledged the potential of school police to contribute to the school-to-prison pipeline and the negative consequences for students. The Departments of Justice and Education have stated that police should not be involved in school discipline.<sup>167</sup> NASRO also recommends that agreements between school districts and police should “[p]rohibit SROs from becoming involved in formal school discipline situations that are the responsibility of school administrators.”<sup>168</sup>

However, the blurred line between school discipline and “criminal disorder” is imbedded in the practice of stationing police within schools. In a 2012 report that is still widely recommended,<sup>169</sup> NASRO advises as a matter of “best practice” that “an SRO who observes a violation of the school code of conduct” should “tak[e] the student(s) to where school discipline can be determined solely by school officials.”<sup>170</sup> Although they may not write up the discipline slip, this scenario still places the school police officer in the position of responding to disciplinary matters. Without any suspicion of criminal activity, a school police officer is advised to detain a student, perhaps even through physical restraint. Police officers generally do not have the power to forcibly detain a person when no crime is suspected.<sup>171</sup> However, police presence in the hallways, the cafeteria, or the classroom is intended to convey a higher degree of authority and the ability to invoke police powers to arrest and apply force. The involvement of a police officer in school discipline can escalate alarmingly. If a student does not respond to a request to follow a school rule, attempts to shake a police officer’s grip, or talks back to a police officer, they may find themselves charged with resisting arrest or felony obstruction,<sup>172</sup> “wrestled to the ground,”<sup>173</sup> placed in a chokehold,<sup>174</sup> or with an arm snapped behind their back.<sup>175</sup>

In Oklahoma City, a school police officer ordered a 16-year-old student to go back to class after seeing the student in the hall without a pass. When the student refused the officer’s direction to follow a school rule, the officer responded physically, punching the student twice in the face.<sup>176</sup>

In January 2017, a 12-year-old Georgia boy was charged with felony obstruction after what the school superintendent characterized as a “tantrum.”<sup>177</sup> A school police officer confronted the boy over his use of a derogatory term toward his teacher—a simple matter of school discipline. The boy began to “snatch[] away” from the officer’s grip and stomped on the officer’s foot. Eventually, the boy was restrained with his arms and feet spread, and he was handcuffed.<sup>178</sup>

In Houston, a Latina 10th grader was tackled to the ground by three school police, held facedown with a knee to her head, and handcuffed. Another student’s cellphone video captured

her anguished cries. Her only offense was not a crime at all but a violation of a school rule. She had been using her phone to call her mother against school rules.<sup>179</sup>

### **The School-Police Partnership Puts Students' Rights at Risk**

School policing is not driven by educational objectives. The concept of the school-police partnership was developed by law enforcement and continues to be shaped and controlled by law enforcement and a criminal justice response to youth. A 2001 COPS guide explains that “[a] primary objective of partnering is to share the burden of crime and/or disorder problems among partners and appropriate stakeholders,”<sup>180</sup> namely educators and students. The greater degree of control that school systems exercise over students can be used to further law enforcement objectives, undermining students’ rights in the process. These collaborations are in tension with the common understanding that schools act to protect and educate the children in their charge.

#### *Privacy Rights*

Schools are entrusted with a significant amount of private information about children, including discipline reports, video recordings, and a growing body of digital information. The Family Educational Rights and Privacy Act (commonly referred to as FERPA) sets limits on school employee access to and use of this information in order to protect student privacy.<sup>181</sup> Additionally, under the Fourth Amendment’s protections against unreasonable search and seizure, police are required to have a warrant or a specific legal exception to access private records. School-police collaborations violate the spirit, and potentially the letter, of these laws and invite police overreach. For example, school officials are encouraged to collaborate with law enforcement by assessing student records for potential criminal activity, such as information from a counselor about challenges at home, medical records, and behavioral records.<sup>182</sup> Some school districts designate their surveillance camera footage as a law enforcement record, meaning that videos of students in the classroom may be shared and used among law enforcement entities and that it is more difficult for parents to access footage of their children relied on to administer discipline and make criminal charges.<sup>183</sup> In some cases, even students may be recruited to gather intelligence and investigate classmates.<sup>184</sup>

Police stationed in schools often function to gather information that can be shared with other law enforcement. In Lakewood, Colorado, school police prepared a bulletin to “share information about problem juveniles,” including the juveniles’ “names, dates of birth, and home addresses, and sometimes their photographs,” with outside law enforcement.<sup>185</sup> South Carolina’s 2014-2020 strategic plan identifies school resource officers as “an excellent source of intelligence” on gangs.<sup>186</sup> Similarly, in Lincoln, Nebraska, school resource officers are tasked with “monitoring known gang members and their associates.”<sup>187</sup> In Utah, school police worked with outside law enforcement to stage a gang sweep of a high school. This incident led to an ACLU lawsuit on behalf of our client, who was interrogated, searched, photographed, and labeled as a gang tagger solely based upon the graffiti-style print on his backpack and the color of his skin.<sup>188</sup>

School police can also assist in furthering federal policing objectives. Under the federal Countering Violent Extremism program, a partnership was created with Minneapolis schools to monitor children in the lunchroom and report to the FBI about their thoughts and beliefs.<sup>189</sup> These practices carry a high risk of violating students' constitutional rights and invite insidious racial profiling. The infrastructure of school police makes such surveillance of students more feasible. In the past, some school-based police have also reported students to Immigration and Customs Enforcement, a practice that jeopardizes the safety of immigrant students and discourages their participation in school, in violation of their constitutional rights.<sup>190</sup>

Law enforcement agencies also feed information into schools, relying on educational partners to extend punitive consequences beyond the formal reach of the criminal justice system. The Chicago Police Department sends daily reports to schools for any student arrested offsite.<sup>191</sup> Hence, crimes committed outside of school are used to discipline students in school environments as well.<sup>192</sup>

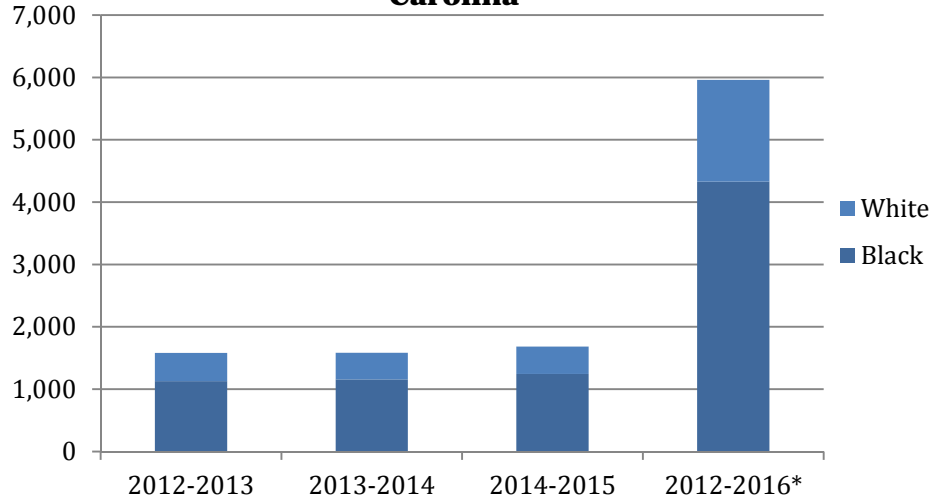
### *Criminalizing Adolescent Conduct*

When adolescent behaviors are criminalized, students in policed schools may find themselves at greater risk of entanglement with the criminal justice system merely by virtue of attending school.<sup>193</sup> For example, the San Bernardino City Unified School District, in California, makes more juvenile arrests than do municipal police in some of California's largest cities,<sup>194</sup> and 91 percent of these arrests are for misdemeanors like disorderly conduct.<sup>195</sup> In the Jefferson Parish Public School System, the largest in Louisiana, the Southern Poverty Law Center found that the most common cause of student arrests was "interference with an educational facility."<sup>196</sup> These findings are consistent with American Bar Association assessments of the juvenile justice systems in many states; the assessments found that school-based referrals and arrests had increased dramatically by the mid-2000s, with schools using the juvenile justice system as a "'dumping ground' for youth with special needs."<sup>197</sup> In one North Carolina county, a full "two-thirds of delinquency case complaints came from the public school system," and across the state, "[c]hildren as young as six and seven are referred to court for issues that seem clearly to relate to special education status."<sup>198</sup> Similarly, reviewers in Maryland found that "in interviews, many law enforcement officials across several counties reported a spike in juvenile arrests during the school year due to the presence of school resource officers."<sup>199</sup>

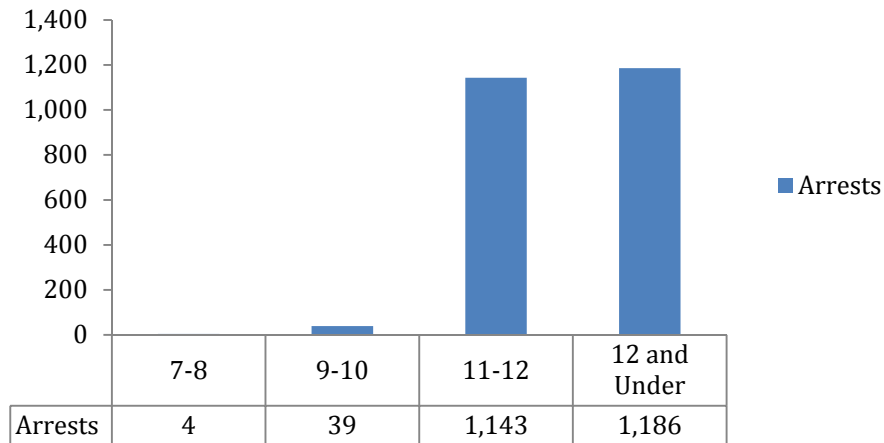
In South Carolina, the misdemeanor crime of "disturbing schools" is consistently among the leading charges made against young people, sending thousands of youth into the criminal justice system for offenses as vague as acting "obnoxiously."<sup>200</sup> In 2015, this law was used to criminally charge a student who had taken out her phone in class, as well as her classmate Niya Kenny, who criticized the actions of a police officer when he violently ripped the young girl from her desk. The ACLU is challenging the constitutionality of the disturbing schools statute on behalf of Niya Kenny and schoolchildren across the state of South Carolina.

## The Impact of Disturbing Schools Charges on South Carolina Youth

### Juvenile Disturbing Schools Charges in South Carolina



### Disturbing Schools Charges in South Carolina By Age, 2012-2016



For more detailed statistics, see Appendix A.

**BLACK STUDENTS ARE 4X MORE LIKELY THAN WHITE STUDENTS TO BE CHARGED**

## Danielle's\* Story

I think of myself as a good kid. I mostly keep to myself, but I like to be a part of things, too — I've sung in my church choir and served on my high school improvement council. Still, some things make me different. I had lead poisoning when I was little, which left me with a learning disability, and I also have asthma and a heart condition. Sometimes I've been bullied in school.



Last spring, two girls started a fight with me and my friend in our school, Stall High School, in Charleston County, South Carolina. Teachers quickly broke it up, and sent me to the nurse's office with a goose egg on my forehead — I was the only one injured. I knew I was in trouble, but I never expected I'd be charged with a crime.

After the fight, I was suspended from school for five days, and my grandmother grounded me. When I found out I also had to face criminal charges, I was really scared. All four of us were charged as adults with "disturbing schools" under state law, and sent to court.

No one told me what would happen when I went to court. I didn't have a lawyer. Actually, there were no lawyers in the courtroom, for any side — just the school police officer who had asked for my statement. It was terrifying. Everyone was watching me, and I didn't know what to say.

The judge asked the police officer what he recommended for us, and the officer said pretrial intervention. I didn't really know what that was, but I agreed. The judge gave me a suspended sentence on condition that I complete the pretrial intervention program of community service and counseling or education. If I didn't complete it, I'd get a \$400 fine or 20 days' imprisonment. After the hearing, I found out that pretrial intervention costs \$300 or even more.

My grandmother, who is my guardian, doesn't have that kind of money. I went to the program office and filled out the application forms, but couldn't pay the fee. They rejected my application. Since we had no money to pay the fine, I thought I was going to jail. The stress affected me. I started having heart palpitations every week, and often blacked out. My grandmother's kidney and back problems got worse too — I worried about her.

Fortunately, I found a public defender who got my case reopened and dismissed. I enrolled in a new school this year. I still hope to go to college and eventually become a nurse. But I also worry teachers, police, and other kids will think of me as a troublemaker or a bad person.

I know that fighting is wrong, and there should be consequences. But I don't think anyone should face criminal charges over a scuffle like that — it shouldn't create a record that could derail kids' futures and ruin their lives. I was lucky that my case was dismissed, but there are students who aren't so lucky.

*\*Danielle's name has been changed to protect her privacy.*

Students in policed schools are criminalized for behaviors that annoy adults but are a typical part of adolescent development.<sup>228</sup> Additionally, research has shown that police officers are more likely to arrest juveniles than adults engaging in similar behaviors, and more likely to exercise authority over perceived disrespect by juveniles.<sup>229</sup> This dynamic can mean that a perceived school rule violation ends up treated as a crime. Examples are all too common. In New Mexico, a student was charged with disturbing schools for fake burping.<sup>230</sup> In South Carolina, students have been charged with disorderly conduct for cursing in school.<sup>231</sup>

Even more serious-sounding criminal laws may be applied to not-so-serious behavior. A middle schooler in Virginia was charged with assault and battery with a weapon—after she threw a baby carrot at a teacher.<sup>232</sup> Another student was charged with drug possession after carrying a maple leaf to school.<sup>233</sup> At times, students are charged with crimes in circumstances entirely beyond their control. In Clarksville, Tennessee, police conducted a random, warrantless search of a high school senior’s car in which they found a fishing knife left by his father, a commercial fisherman. Just months from graduation, David was charged with the crime of possession of a weapon on school property and faced a 90-day suspension from school.<sup>234</sup> In Texas, a 13-year-old student faced two to 10 years in prison on felony forgery charges after paying for lunch with a \$10 bill that turned out to be fake.<sup>235</sup> The student, who qualified for the free and reduced-price lunch program and whose parents offered to repay the \$10, was also sent to an alternative school.

<b>WHAT DOES SCHOOL CRIME LOOK LIKE?</b>	
<b>CRIMINAL CHARGE</b>	<b>STUDENT BEHAVIOR</b>
<b>Disrupting school</b>	Spraying perfume; <sup>201</sup> fake burping; <sup>202</sup> fake fart spray; <sup>203</sup> fake fart spray (again); <sup>204</sup> fake fart spray (and again); <sup>205</sup> refusing to change a t-shirt depicting a hunting rifle; <sup>206</sup> not following instructions; <sup>207</sup> criticizing a police officer <sup>208</sup>
<b>Disorderly conduct</b>	Kicking a trashcan; <sup>209</sup> cursing; <sup>210</sup> refusing to leave the lunchroom; <sup>211</sup> arguing; <sup>212</sup> documenting bullying <sup>213</sup>
<b>Assault</b>	Throwing a paper airplane; <sup>214</sup> throwing a baby carrot; <sup>215</sup> throwing skittles; <sup>216</sup> fake fart spray (one more time) <sup>217</sup>
<b>Weapons</b>	Science experiment (volcano); <sup>218</sup> science experiment (clock); <sup>219</sup> paring knife; <sup>220</sup> children’s knife <sup>221</sup>
<b>Battery on a police officer</b>	Five year-old with ADHD had a tantrum <sup>222</sup>
<b>Terroristic threats</b>	Eight year-old with a disability made a threatening statement to a teacher <sup>223</sup>
<b>Drug possession</b>	Carrying a maple leaf <sup>224</sup>
<b>Petit larceny</b>	Taking a milk carton <sup>225</sup>
<b>Felony forgery</b>	Buying lunch with a fake \$10 bill <sup>226</sup>
<b>Indecent exposure</b>	Wearing saggy pants <sup>227</sup>

## The Roberts' Family's Story



In rural Washington state last year, Nathan, 16, and his adoptive brother Caleb, 14, played a prank, letting off fake fart spray at their Clarkston high school. Their father, Robert, supported the school when it issued the boys a suspension and reprimanded them himself. He thought that was the end of the incident. He was shocked when he learned that the boys were being charged with felony assault and disturbing schools.

Those charges set off a cascade of negative consequences for the family. When the boys returned to school from suspension, the school police officer questioned each of them. The brothers do not recall being told about their rights, only being threatened with serious charges. When Nathan learned that he was being charged with a felony, he worried about losing his rights, including the right to vote and to own a hunting rifle, before he even had the chance to exercise them. Caleb and Nathan also describe the shame of being on probation. As Nathan relays, other people are on probation for things like robbing stores or stealing cars; “people automatically assume that’s what we were doing.” Says Caleb, “It’s embarrassing. It’s not something you want to tell someone. . . . I don’t want to be looked down upon.”

Their father has other worries, too. “This is a high poverty area, and there aren’t a lot of good jobs,” he laments. “With a criminal record, they’ll be kept out of the few decent jobs in town.” Robert moved to Washington at 16 and found work as a mechanic. The work was hard, but it allowed him to build a life for himself. He worries that this incident will prevent Nathan and Caleb from doing the same and will leave them “stuck in the system, never getting ahead.”

Eventually, the boys’ felony charges were downgraded. But the experience has shaken the entire family’s trust in their school and justice systems and left them in a constant state of fear. The boys were required to pay restitution, a cost their father struggles to cover. Says Robert, “It’s not something I can do right out of my hand, but I’ll have to. I’m worried about it. . . . I also don’t want them to go to jail.” Nathan fears that any small thing, like a speeding ticket, could end up making life much worse. Robert sees a system that was unconcerned with how his sons were treated by adults in authority, but willing to bring the full weight of the law down against his children. “I feel like the police officer is really in school to protect the school and the local elites, not the kids,” he says. “It’s sad to think that you could go to school one day with fart spray and come home a felon. And for their entire life, this system would want a kid to pay for that.”

### *Discrimination*

Students of color are more likely to be viewed as acting criminally.<sup>236</sup> The Department of Education reports that nationwide, Black students are more than twice as likely as white classmates to be referred to law enforcement.<sup>237</sup> These disparities in school arrests for minor infractions like “disorder” and “disturbance” are consistent with research suggesting that bias is more likely to play a role in categories of discipline that are harder to define objectively, such as “disrespect.”<sup>238</sup> Consistently, there is no evidence that racial disparities in discipline are the consequence of “differences in rates or types of misbehavior” by Black/Latino and white students.<sup>239</sup>

Deeply concerning racial disparities permeate all stages of the juvenile justice system. Recognizing this, the Juvenile Justice and Delinquency Prevention Act requires states to track and respond to racially disproportionate contact with the juvenile justice system (referred to as Disproportionate Minority Contact, or DMC).<sup>240</sup> State and local education agencies are also required to ensure equal educational opportunities for students regardless of race.<sup>241</sup> The enforcement of criminal laws and discipline selectively against students of color contributes to the problem of disproportionate contact.<sup>242</sup> States and local jurisdictions must be attuned to disparities and discriminatory outcomes produced by school policing in complying with these federal laws.

Students of color who have disabilities face compounded discrimination. As the Center for Public Integrity reported, in the 2012-2013 school year “about 26 percent of all students referred to law enforcement nationally were special-needs kids — kids with physical or learning disabilities — even though these kids represent only 14 percent of U.S. enrollment.”<sup>243</sup> When a student exhibits behaviors related to a disability, especially when police officers are called upon to respond and have neither the training nor information to recognize a student’s disability, a student may be treated as criminally disruptive.<sup>244</sup> Federal civil rights laws prohibit schools from punishing students for behaviors associated with a disability.<sup>245</sup> Law enforcement officers also must comply with the Americans with Disabilities Act, which prohibits discrimination against individuals with disabilities.<sup>246</sup> Here too, schools and law enforcement must take into account these obligations when examining their approach to student behavior and the role of police in schools.

### *Abusive Use of Force*

Police are more likely to use force in interactions with young people than with adults,<sup>247</sup> and the school setting does not shield young people. In fact, police in schools often carry weapons including guns, Tasers, pepper spray, and batons. At times, thanks to a federal grant program, they have even been equipped with military-grade assault rifles, grenade launchers, and military vehicles.<sup>248</sup> As one teacher told *Rolling Stone*, “It’s hard for students to believe that their education institutions want, encourage, and are trying to develop them . . . when, on the other side, you’re talking to a highly militarized entity.”<sup>249</sup>



Age and the unique circumstances of adolescent development factor into the consideration of the reasonable force a police officer may apply in making an arrest or investigatory stop.<sup>250</sup> Recognizing the vulnerability of young children, the International Association of Chiefs of Police has identified strategies for avoiding escalation and improving interactions with youth, such as “approach youth with a calm demeanor,” “be patient,” and “model the respect you expect in return.”<sup>251</sup> Additionally instructive best practices for juvenile facilities prohibit force techniques that create a risk of injury. The Juvenile Detention Alternatives Initiative, the most widely recognized source of national best practices for juvenile detention, provides standards that prohibit force, including:

- Use of chemical agents, including pepper spray, tear gas, and mace;
- Use of pressure point control and pain compliance techniques;
- Hitting youth with a closed fist, throwing youth into a wall or the floor, kicking or striking youth, pulling a youth’s hair, or using chokeholds or blows to the head on youth; and
- Using physical force or mechanical restraints for punishment, discipline, retaliation, or treatment.<sup>252</sup>

Each of these forms of force has been used by police against young people in schools.

Within just a two-year span from 2014 through 2016, the ACLU identified 141 complaints of abusive use of force by school police covered by local and national news outlets across the country. These are the stories we know, often only because students and their families were brave enough to share them publicly. The stories show alarming applications of force against young bodies. In addition to the use of pepper spray<sup>253</sup> and Tasers,<sup>254</sup> police officers beat schoolchildren with batons, punched them, kicked them, placed them in chokeholds, and in some instances, sexually harassed and assaulted them.<sup>255</sup>

*Pepper Spray (and Other Chemical Agents).* The use of pepper spray has been prohibited or strongly discouraged in enclosed settings, like detention centers, where the chemical spray is likely to impact many people, including those who may have respiratory or other illnesses.<sup>256</sup> The same risk is present in schools. In one North Carolina high school, a police officer dispersed pepper spray to break up a fight. The pepper spray entered the school ventilation system and contaminated the cafeteria food, a consequence the school principal described as the more significant disruption of the school day.<sup>257</sup> School police have also used pepper spray to address challenging but non-threatening adolescent behavior. At a Bibb County, Georgia, school serving students with emotional and behavioral disorders, a school police officer used pepper spray on a 15-year-old student who had locked herself in a bathroom stall.<sup>258</sup> In Birmingham, Alabama, a court found that police officers used excessive force when they resorted to chemical spray to deal with “normal – and, at times, challenging – adolescent behavior.”<sup>259</sup>

*Tasers.* At times, school police resort to the use of Tasers against students, including when intervening in disciplinary incidents. In Victoria, Texas, a 16-year-old student was tased by school police officers. Following the incident, the school released a statement saying that the student had become “physically agitated,” “irate,” and was “causing damage” to the school after learning that he was being suspended, and that after the student “repeatedly continued to

resist,” officers had to forcibly detain and tase him.<sup>260</sup> However, security footage later released showed the boy walking the halls of the school, during which he can be seen punching a wall once and standing physically calm against a wall for several moments before police officers encircled him and tased him.<sup>261</sup> In Marshalltown, Iowa, a school police officer was called to respond to a 15-year-old student who was “acting out in class.”<sup>262</sup> According to police, the student resisted and tried to flee when the officer moved to detain him, at which point the student was tased. The student was taken to a juvenile detention center and charged with assault, disorderly conduct, and interference. Similarly, an eighth grader in Virginia was tased after a school resource officer intervened in his “disruptive” behavior.<sup>263</sup> When the middle schooler resisted the officer, he was tased and subsequently charged with felony assault on a police officer. In each of these incidents, officials defended the officers’ actions as justified.

*Pain Compliance Techniques.* Police officers also employ pain compliance techniques against students, resulting in the painful twisting and hyperextension of limbs, and even broken bones. These include incidents like one in Kissimmee, Florida, where a 13-year-old Black boy was arguing with his mother in the front office of the school when a school police officer intervened. The police officer flung the small boy to the ground and held his arm twisted behind his back while the boy cried out in pain.<sup>264</sup> In another example from Los Angeles, an 11-year-old Latino elementary school student, a previous student of the year, had his wrist broken by a police officer who forcibly twisted his arm behind his back to handcuff and arrest him.<sup>265</sup> The police alleged the boy had been involved in an earlier argument; the boy said he had been a witness.

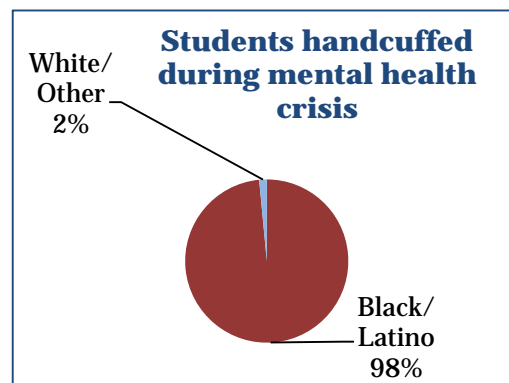
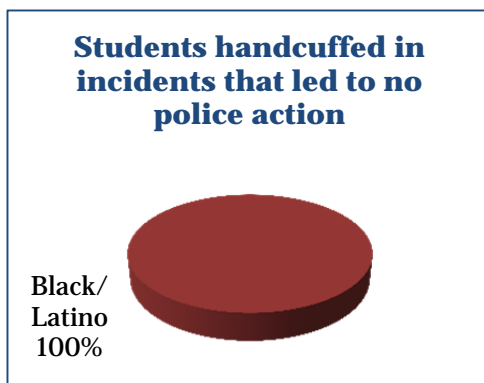
*Hitting, Kicking, Slamming, Choking.* Police in schools also resort to punching, kicking, choking, and slamming the bodies of young students. In one example, a teenage girl in Tampa, Florida, was accused of having mace in her bookbag—an allegation that proved unfounded.<sup>266</sup> But a school police officer became involved in the incident, and Britney ended up with a concussion, bruises, and a broken jaw. Even after hospitalization for her injuries, the young girl was suspended from school and faced criminal charges for resisting arrest and disrupting a school function. Police argued that Britney had injured herself by falling to the ground after being handcuffed. In Pasadena, Texas, a 16-year-old student was arguing with school staff over the return of his phone.<sup>267</sup> After the boy used profanity, a school police officer told him that he was under arrest. In the course of detaining the student, the officer struck him 18 times with a metal nightstick; half of the strikes occurred after the student was on the ground.

*Using Handcuff Restraints for Punishment and Treatment.* Handcuffing of students in school is not an isolated occurrence. In some schools and jurisdictions, handcuffing is a routine practice when police detain a student. Police also frequently apply handcuffs in an effort to subdue students with emotional and behavioral disabilities. The ACLU of Missouri is representing a seven-year-old who was held in handcuffs in the principal’s office after being removed from class.<sup>268</sup> And the ACLU Disability Rights Project is representing two Kentucky elementary school students with disabilities who were handcuffed by a school police officer.<sup>269</sup> Their arms were so tiny that the handcuffs had to be placed around their biceps. In Virginia, a four-year-old boy with disabilities was handcuffed and shackled after having a temper tantrum in his pre-kindergarten class.<sup>270</sup> And school police in Alton, Illinois, shackled an eight-year-old autistic girl, restraining her hands, legs, and waist.<sup>271</sup> When her uncle picked her up from the police station, her eyes were swollen from crying. Police stated that the restraints were for the girl’s protection.

## New York City: Why Reporting and Transparency Are Critical to Understanding Use of Force in Schools

In most places, school police do not collect data on use of force. This lack of transparency hinders oversight and leaves students all the more vulnerable. As the result of advocacy led by the New York Civil Liberties Union, New York City adopted legislation known as the Student Safety Act, providing for meaningful data transparency on the activities of police in schools. Among its provisions, the act requires the New York City Police Department to provide data on the use of handcuffs and other restraints in city schools.

The new data shows a disturbing reliance on police to handcuff students in non-criminal instances, including incidents where a child is experiencing a mental health or emotional crisis, and even in instances where the police determine that the school is better suited to discipline the child than law enforcement. The inappropriate use of handcuffs also disproportionately impacts students of color. In incidents where law enforcement used handcuffs to restrain a child experiencing a mental health crisis, 98.5 percent of students were Black or Latino, several as young as seven years old. To facilitate the use of handcuffs on children too young to be arrested, the NYPD has developed specialized Velcro handcuffs that can be used on children as young as five years old. These specialized restraints were used in 2014 against a five-year-old Black student in New York City. Derick, who has ADHD, had a tantrum when it was time to leave gym class.<sup>272</sup> In response, NYPD officers placed Derick in restraints. Cellphone video captured him crying out for his mother, who said that the experience left Derick afraid to return to school. Using handcuff restraints as a de-escalation technique, particularly for a child experiencing a mental health crisis, runs counter to the federal guidelines on school policing and can initiate multiple forms of trauma that last long beyond the time they remained cuffed.<sup>273</sup> Students were also held in handcuffs for incidents that ended with no police action at all; in incidents where police handcuffed students who were ultimately released without charges, 100 percent of the students were Black or Latino.



*Students in New York City Non-Arrest Handcuffing Incidents Spring 2016*

*For more detailed statistics, see Appendix B.*

## **Texas: A Case Study in School-Focused Policing**

Given the risks to students posed by police in schools, it is unsurprising that even among police there is consensus supporting the necessity of training before going into schools.<sup>274</sup> However, most police academies give little if any attention to working with children,<sup>275</sup> and many school police are not required to receive specialized training.<sup>276</sup> Where training is required, school police may be working in schools for as long as two years before completing training<sup>277</sup> and may not be required to keep training up to date.

Many proponents of in-school policing argue that police assigned to schools fill a unique role and are better prepared and trained to work in the school setting. The ACLU set out to examine this theory by reviewing the policies of school district police departments in Texas. Since the 1990s, a growing number of school districts in Texas have brought police in house, using their power under the Texas Education Code<sup>278</sup> to create school district police departments.<sup>279</sup> Today, 203 of Texas' 1,022 school districts operate their own police departments.<sup>280</sup> The ACLU and the ACLU of Texas conducted a survey of a sample of these school police departments<sup>281</sup> to examine how they approach policing focused exclusively on schools.<sup>282</sup> Although the departments surveyed have the sole responsibility of working in the school setting, our review found that on the whole, these departments do not operate with policies or training that sufficiently prepare them to work in schools without endangering students' rights or safety.

*Student Privacy.* As in schools across the country, school police in Texas are commonly authorized to use tactics including metal detector searches, dog sniffs, and searches of cars, lockers, and sometimes other personal belongings. School police departments also commonly adopt policies promoting cooperation with other law enforcement agencies. For example, the Aledo Independent School District (ISD) Police Department includes in the job description and criteria for its police officers the ability to “[w]ork cooperatively with other police agencies to share information and provide other assistance.”<sup>283</sup> School police also create various records of students that can be accessed by other law enforcement agencies. Dumas ISD classifies security camera recordings as police records, meaning that they are not protected as confidential school records, although they may be used to discipline students.<sup>284</sup> Mansfield ISD Police Department policy provides that the department may “integrate its public safety video surveillance system with other technology,” including “incident mapping, crime analysis, license plate recognition, facial recognition,” and other analytical systems.<sup>285</sup> The Austin ISD Police Department maintains a gang intelligence database.<sup>286</sup> These practices allow schools to be used for broader law enforcement purposes, including marking students for further surveillance outside of school.

*Criminalizing Adolescent Conduct.* Many school district police departments do not adequately distinguish between school discipline and situations in which police should intervene. Each surveyed school district's local policy provides school police with authority to enforce school policies and rules. In one example, that authority is constrained by relatively clear guidelines. Cypress-Fairbanks ISD Police Department policy calls for school police to “[r]espond to classrooms to assist teachers with emergencies such as fights or persons with weapons,” but not “classroom disruptions such as attire, cursing, [or] refusing to comply to class room rules.”<sup>287</sup> In most cases, however, policies are far less clear and leave police with broad leeway. For example,

Santa Fe ISD Police Department policy provides that officers “shall not become involved in the routine matters of student discipline,” but it also advises that “[u]pon request, an officer may assist administrators or teachers in incidents concerning student discipline issues . . . but shall refrain from taking charge of the discipline and matter unless other circumstances so dictate.”<sup>288</sup> Equally confusing, Galveston ISD Police Department policy incorporates an exception that swallows the rule, providing that “[o]fficers are not to be involved in the enforcement of disciplinary actions or infractions that do not constitute violations of the law *or District policy*” (emphasis added).<sup>289</sup>

Creating even more confusion, some school district police departments offer general orders that detail procedures for interrogations and searches but exempt individuals who are students, referring instead to separate school board policies.<sup>290</sup> For example, the Cedar Hill ISD Police Department distinguishes searches of students from the standard set out in its general orders, stating that “[i]n conducting searches of students, student property, and District property, officers shall use the guidelines set forth in District Policies.”<sup>291</sup> However, the referenced district policies are written for school administrators, not police engaging in criminal investigations.<sup>292</sup> Similarly, East Central ISD Police Department policy defines a pedestrian stop as “[a]n interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the person is not under arrest” and issues guidance on when an officer may lawfully stop a pedestrian for questioning.<sup>293</sup> However, the policy inexplicably excludes stops occurring in a broad area of the department’s jurisdiction; according to the policy, a “pedestrian stop” does not include “an interaction that takes place inside a school, gym, administrative building, athletic facility, or a support facility, such as district transportation/vehicles.”<sup>294</sup> In these circumstances, the detailed provisions of general orders do not provide protections for students when they are detained, questioned, or searched by police. The policies convey a message to police officers that they do not need to follow the same general orders and constitutional standards applicable to adults when interacting with young people.

*Use of Force.* Police in Texas schools are commonly equipped to use force and carry weapons such as pepper spray,<sup>295</sup> batons, Tasers, and firearms. East Central ISD Police Department officers are also authorized to keep assault rifles in their vehicles for emergency use.<sup>296</sup> School district police departments are authorized to use the amount of force reasonable, consistent with legal standards, which will depend upon contextual factors including the age and size of a subject. Yet school police departments lack use of force guidelines that are specific and oriented toward juveniles. Departments adopted various and varying provisions addressing use of force, which range in the degree of protection they afford students. El Paso ISD Police Department officers are not permitted to carry Tasers,<sup>297</sup> while Austin ISD Police Department officers are prohibited from using Tasers against students younger than 13.<sup>298</sup> Other policies do not place an age restriction on the use of Tasers. Brownsville ISD policy encourages the use of handcuffs on juveniles, instructing that police officers will handcuff juveniles upon arrest and stating, “The fact that a prisoner is a juvenile does not preclude the use of handcuffs.”<sup>299</sup> Other school police departments, like those of Cypress-Fairbanks and East Central, permit officers to use discretion and emphasize that discretion may result in a decision not to handcuff a child or other individual with special needs.<sup>300</sup> Cedar Hill ISD Police Department policy prohibits the use of handcuffs on elementary school students,<sup>301</sup> while Mansfield ISD Police Department officers are

prohibited from any restraint of a juvenile under 14 “unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.”<sup>302</sup>

Without further guidelines or restrictions, some school district police departments permit officers to restrain students even for non-criminal purposes. Cedar Hill ISD Police Department officers are permitted to “use and apply physical restraint, including handcuffs,” including to “remove a student refusing a lawful command of a school employee from a specific location” or to “restrain an irrational student.”<sup>303</sup> Cypress-Fairbanks allows officers to “[a]ssist faculty [to] physically re[s]train students who are ‘out of control’ and a danger to themselves, others, or are damaging property.”<sup>304</sup> The Pasadena ISD Police Department provides that officers may assist school administrators responding to a “mentally challenged person” when “necessary to prevent injury to any person involved.”<sup>305</sup> However, officers are “reminded that when [police officers] restrain any person in their liberty, [police officers] have placed that person under arrest and all laws applicable to probable cause are then in effect.”<sup>306</sup>

In the absence of detailed guidelines, police frequently apply force against students. The Texas Criminal Justice Coalition found that over a three-year period, Pasadena ISD Police Department officers reported using force against students 129 times, including drawing and pointing firearms 24 times.<sup>307</sup> The Austin ISD Police Department, which researchers found kept more complete records relative to other school district police departments, used batons or physical force against students 258 times in three years, including one use of a police dog.<sup>308</sup> News reports also depict Texas police officers slamming students to the ground,<sup>309</sup> punching students in the face,<sup>310</sup> beating students with batons,<sup>311</sup> breaking students’ arms,<sup>312</sup> tripping and kicking students,<sup>313</sup> and choking students.<sup>314</sup> Several of these incidents are described in this report.

The lack of guidance, training, and reporting requirements limiting the use of force by police officers in schools stands in contrast to the rules protecting juveniles within detention facilities. Following serious concerns of staff abuse of juveniles in detention, reforms at the Texas Juvenile Justice Department included policies specifically prohibiting uses of force, including “pinning down with knees to the torso, head, and/or neck; [] slapping, punching, kicking, or hitting; [] using pressure-point, pain-compliance, and joint-manipulation techniques other than an approved Handle With Care® method for release of a chokehold, bite, or hair pull; . . . [and] using other youth or untrained staff to assist with the restraint.”<sup>315</sup> Incidents of force within Texas schools demonstrate a similar need for scrutiny and clear direction on prohibited uses of force.

*Training.* In 2016, a new state law went into effect requiring police working in school districts of more than 30,000 students to obtain training through the state police training body, the Texas Commission on Law Enforcement (TCOLE).<sup>316</sup> Apart from this training requirement, there is no standard training requirement for school resource officers in Texas. Nine of the 17 districts that responded to the ACLU’s request<sup>317</sup> have over 30,000 students and are subject to the state’s mandatory training. Of the remaining eight districts,<sup>318</sup> only Aledo ISD Police Department has opted into the training, while the Fort Bend and Dumas ISD Police Departments indicated that their officers had some school resource officer training. The training developed by TCOLE pursuant to the new law includes a total of 16 hours of training on the following topics:

adolescent development, mental health, crisis intervention to eliminate the use of force, students with disabilities, and Positive Behavior Interventions.<sup>319</sup> Although an important step to ensure officers in schools are adequately prepared for the unique challenges of school-based policing, the first iteration of the training provided very little guidance to officers in areas such as clear definitions of the roles and responsibilities of police officers in schools, appropriate circumstances for use of force in school, cultural competency, implicit and explicit racial and ethnic biases, the effects of disabilities on behavior, and adolescent (as opposed to childhood) behavior. Additionally, officers are not tested on the training and are not required to renew training at any time during their career.<sup>320</sup> Although school district police departments may have other varying training requirements, the responses of these departments do not indicate other training requirements specific to working with youth or policing in schools.

Our review suggests that police in schools, irrespective of exclusivity, continue to engage in traditional law enforcement tactics that have serious consequences for students.

## **School Climate**

Schools are generally safe spaces for students.<sup>321</sup> In a national survey, neither law enforcement nor school officials cited levels of violence within their schools as a reason for starting a school resource officer program.<sup>322</sup> However, for school officials, the fear of school violence, generated by national media attention, was the most common specified reason to adopt a school resource officer program.<sup>323</sup> The fear-based decision to bring police into school can result in concrete harms to the education environment and to the achievement of students.<sup>324</sup>

### *Zero Tolerance and Punitive Learning Environments*

Zero-tolerance discipline was adopted under the assumption that punitive measures would discourage future misbehavior and create better learning environments for students. However, national studies have shown that zero-tolerance discipline—that is, automatic suspensions or expulsions for certain misbehavior and contact with law enforcement as a central authority to school discipline—can have deleterious effects on students, teachers, and the broader school environment.<sup>325</sup>

According to anthropologist Victor Rios, the extension of policing into schools has the effect of transforming school administrators, teachers, guidance counselors, and other members of the school community into “agents of the criminal justice system,” as they become more and more reliant on law enforcement for classroom management.<sup>326</sup> As Rios found in a study of Oakland youth, the common denominator in how teachers handled student misbehavior was that every single teacher invoked their ability to involve the police when faced with student conflict.<sup>327</sup>

Even a teacher’s ability to threaten a student with an arrest or involve the school’s police officer in disciplinary decision making conflicts with some of the most basic tenets of education

systems. Instead of focusing resources on a positive and supportive school climate, zero tolerance and school policing exacerbate challenging behaviors and the racial disparities in how punishment is meted out.<sup>328</sup> Indeed, these practices, according to Henry Giroux, “relieve educators of exercising deliberation and critical judgment”<sup>329</sup> by outsourcing the moral and ethical judgment school discipline should require when considering a student’s individual circumstances.<sup>330</sup> As researchers have argued, “the expectation of school crime in fact creates it” in that the decision to treat minor behavioral issues (e.g., cafeteria shouting match, writing on desks, etc.) as criminal narrows available solutions to disciplinary matters.<sup>331</sup> As Paul Hirschfield argues, the presence of police in schools has a “net-widening effect” that “reflects increased collaboration between schools and the juvenile justice system,” while “erod[ing] the traditional boundaries between the two institutions.”<sup>332</sup> The result is an “evidence loop” wherein students of color are arrested or detained for trivial offenses that are presented as proof of failing schools and of the failure of students themselves.<sup>333</sup>

Alongside police officers, schools have adopted surveillance technologies—such as onsite cameras—and other programs by which students are monitored.<sup>334</sup> In some cases, schools set aside physical space for students to be interrogated, processed, and adjudicated, and for probation officers to check on students during school hours.<sup>335</sup> As the ACLU and ACLU of Rhode Island described in their 2010 lawsuit challenging Rhode Island truancy courts, these courts were established in schools ostensibly to provide access to support services more quickly and efficiently.<sup>336</sup> However, they came to be used as a disciplinary device, subjecting students and families to justice system scrutiny and threats of fines and imprisonment for minor issues such as failure to complete homework or acting disrespectfully.<sup>337</sup>

These practices have stigmatizing consequences for all students, for whom punitive environments produce feelings of distrust and disconnection.<sup>338</sup> Furthermore, students who have interacted with school police in negative ways, even for purely school discipline matters, are marked by peers, officers, and school officials as criminal.<sup>339</sup> The normalized policing of educational environments, particularly in Black and Latino neighborhoods,<sup>340</sup> reorients school discipline to approach students as potential criminals.<sup>341</sup>

Empirical research reveals that arresting students increases high school attrition rates (doubling the chances of a student dropping out), particularly when a student is made to appear in court (when it quadruples the chances of dropping out).<sup>342</sup> For those students who do drop out of high school as a result of an arrest, the chances that they will serve time in prison increase exponentially.<sup>343</sup> The consequences of a school arrest include the loss of access to higher education and funding, job eligibility, access to public housing, and potential penalty enhancements if a student comes into contact with law enforcement in the future. This paradigm is astutely identified by a sophomore student at the Maya Angelou Public Charter School in Washington, D.C., who summed up the impact of police in schools by asking, “How can you tell us we can be anything if they [the police] treat us like we’re nothing?”<sup>344</sup>

Following the shooting of unarmed teenager Michael Brown in Ferguson, Missouri, the Department of Justice offered a scathing indictment of the consequences associated with in-school policing. The Department of Justice criticized the Ferguson Police Department for “police action that [was] unreasonable in a school setting.”<sup>345</sup> The frequency by which school police



officers arrested students for minor behavioral offenses demonstrated “a lack of understanding of the negative consequences associated with such arrests,” found the DOJ.<sup>346</sup>

And consequences are myriad, say child psychologists and education experts.<sup>347</sup> Child psychologists point to the fact that teenage brains are not fully formed—they have a harder time resisting peer pressure, and they have poor impulse control.<sup>348</sup> When the response of schools is to punish through exclusion and arrest, children are alienated, experience anxiety and rejection, and become distrustful of school adults.<sup>349</sup> It also impacts a child’s understanding of justness and fairness, eliminating important legitimacy for young people who are stopped or arrested for non-criminal behavior.<sup>350</sup> It is not just arrests that have an impact on future student behavior, but more broadly, constant police contact in institutional spaces that are supposed to be safe and nurturing.<sup>351</sup> Says sociologist Carla Shedd, “[t]here are indications that frequent police contact, even of a minor nature, has a great impact on the perceptions” Black and Latino youth have of themselves, school, and law enforcement.<sup>352</sup> If school socializes children to believe that they, themselves, are the target of police in their schools, students no longer see schools as places that nurture their development or teachers as adults who care about their future.<sup>353</sup> For students with risk factors—that is students living in poverty, without access to healthcare or healthy food, or in places where they are unsafe—police contact at schools can accelerate future misbehavior, truancy, and drop-out rates.<sup>354</sup> Children disengage where they are not safe, and for many, schools have become unsafe places.

### *The Era of High-Stakes Testing*

In the same way, in the era of high-stakes testing, grade retention and the publication of test scores as “accountability” measures for schools that are profoundly under-resourced encourage classroom push-out and elevate the role of school policing. This became especially evident after the 2001 enactment of No Child Left Behind, which linked school funding to performance on standardized assessments and authorized the closure of low-performing schools, alongside funding of police, security infrastructure, and the creation of alternative schools. Many states adopted similar accountability measures. Where low scores can exact reductions in state funding for schools (most often to already under-resourced schools), high-stakes testing encourages schools to use punitive measures to drive out low-performing students.<sup>355</sup>

For students, “teaching to the test” has narrowed curriculum and learning spaces in ways that undermine student engagement.<sup>356</sup> Indeed, where teachers themselves are under scrutiny to produce positive test results with dwindling resources, classroom management becomes reactionary and, ultimately, more punitive. It is those students who have the most need for academic, social, and economic intervention who are most punished by schools.<sup>357</sup>

According to educator Linda Darling-Hammond, in one Texas jurisdiction, standardized test scores shot up while “tens of thousands of students—mostly African American and Latino—disappeared from school” altogether.<sup>358</sup> One study found that several jurisdictions in Florida handed down harsher and longer suspensions for students who performed poorly on statewide testing when controlling for other factors, such as offense and demographics.<sup>359</sup> In another example, public officials lauded the school district in Brockton, Massachusetts, for the most

improved standardized test scores for 10th graders in 2002, while ignoring the fact that the city had the second-highest ninth-grade student drop-out rate.<sup>360</sup>

The NAACP Legal Defense and Educational Fund summarizes the problem:

Ironically, some of the hallmarks of modern education reform—including demands for greater accountability, extensive testing regimes and harsh sanctions imposed on schools and teachers—actually encourage schools to funnel out those students whom they believe are likely to drag down a school’s test scores. Rather than address the systemic problems that lead to poor educational performance, harsh discipline policies provide schools with a convenient method to remove certain students and thereby mask educational deficiencies.<sup>361</sup>

Thus, struggling students are not incentivized through mentoring and school counseling;<sup>362</sup> rather, educators turn to push-out policies and school police officers as means to “lose” students who might drive down their scores.<sup>363</sup>

### **Conclusion: Promoting Safety and Educational Attainment Through Positive School Climate**

Concentrated in low-income areas of color, the use of extreme police tactics in schools has continued despite evidence that demonstrates the significant, disparate, and sometimes lifelong consequences of school policing on young people. Studies have also found that emphasizing a positive school climate—in which students feel safe, welcomed, and nurtured—*decreases* suspensions and expulsions while increasing student attainment.<sup>364</sup> Creating equitable school climates—that is, schools that nurture and protect the rights and capacities of every student—will mean ending our reliance on school policing and recognizing how the criminalization of youth of color has denied students access to equitable education.

Positive school climate can mitigate other risk indicators as well: School climate has been linked to better attendance at both the middle school and high school levels (truancy being associated with justice involvement), decreased likelihood that children will be harassed or subject to violence, and increased student willingness to rely on adults in conflict situations.<sup>365</sup> A positive school environment is, in fact, predictive of a school’s increased capacity to prevent violence.<sup>366</sup> Punitive school discipline policies and school policing should be considered a direct contradiction to a safer schools mandate.<sup>367</sup> This gap, between what research has proven and what is school practice, is “socially unjust and a violation of children’s human rights,” according to education researchers.<sup>368</sup>

The presence of police in schools affects not only those arrested, but all students, teachers, administrators, and parents. The possibility of creating an open, tolerant, and learning-friendly school climate is diminished by the threat of punishment and surveillance.

## Policy Recommendations

1. **End the routine policing of schools.** Police should enter schools only to address threats to physical safety.
2. **Commit to the objective of providing equal educational opportunities and positive school climate for *all* students in *all* schools,** and to taking a positive and supportive approach to students who are struggling, whether in academics or in behavioral development.
3. **End the practice of arrests and referral to law enforcement for common adolescent behaviors,** including but not limited to misdemeanor offenses such as disturbing schools and disorderly conduct. Adopt school codes of conduct that eschew zero tolerance for more appropriate, child-driven responses to challenging behavior.
4. **Hold police to the same standards in schools as applied elsewhere in our communities.** When police enter schools, they should abide by the highest ethical standards and, when in doubt, should err on the side of providing greater protection for children's rights.
5. **Invest in supportive resources.** Hire personnel such as mental health counselors and community intervention workers to establish a holistic response to student behavioral needs. Train teachers, school administrators, and other officials who interact with students in de-escalation, mediation, and crisis intervention. Adopt restorative justice and mediation approaches.
6. **Enact policies that create specific protocols for when and how police should interact with students in schools.** Schools must have an internal crisis plan with de-escalation techniques and protocols to follow before calling police. When police are called or seek access to a student, the school should (i) notify a parent or guardian to provide them an opportunity to be present and (ii) always read a student their rights.
7. **Police should reform policies and training for responding to youth, including, but not limited to when responding at schools.** Designate at least some officers to receive special training and leadership on juvenile response. Training topics should include adolescent development, implicit bias, communication, de-escalation, and use of force, including handcuffs and other forms of restraints.
8. **Collect, review, and provide the public with quality data on police activity in schools.** Police activity in schools should be reviewed on a quarterly basis with attention to racial disparities, the treatment of children with disabilities, and other metrics.

# Appendix A

## South Carolina Department of Juvenile Justice Disturbing Schools Data

**Table I: Multi-year Data\* by Race and Percentage\*\***

SY	Total	Black	White	% Black	% White
2012-2016*	6,253	4,393	1,632	70.2%	26.1%

\*Only reports until March 9, 2016. School Year (SY) is measured from first day of academic calendar through the end of the summer break.

\*\*Percentages rounded to closest 1<sup>st</sup> decimal; .5 is rounded up. Percentages will not add up to 100% because they do not include other racial classifications. In other places, percentages do not add up to 100% because of missing data or classifications that are not counted, such as “charge amended” where outcome is missing.

Note: Where academic calendars were available, the specific county start date was used. Where they were not, August 18 was used as the start date. In Table II, which spans counties, August 18 is used as a start date each year.

**Table II: Multi-year Data by Race and Rate of Racial Disparity (RRD)**

Year	Total	Black	White	Rate of Racial Disparity
2012-13	1,644	1,129	451	3.53
2013-14	1,639	1,157	425	3.81
2014-15	1,752	1,243	439	3.93
2015-16*	1,219	864	317	N/A

\*Only reports until March 9, 2016

**Table III: Referrals of Students Under 12\***

Age	7	8	9	10	11	12	12 and Under
Students	2	2	17	22	253	890	1,186

\*Data represents SY 2010 – March 9, 2016

**Table IV: Top Five Counties with Highest Rate of Referral**

County	Rate of Referral
McCormick	16.22
Newberry	10.24
Berkeley	7.84
Charleston	6.22
Greenwood	5.91

**V: County Tables**

**A. Race Disparity and Enrollment**

**Abbeville**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,165	16	1,902	7	3.73
2013-14	1,160	3	1,876	1	4.85
2014-15	1,088	1	1,895	3	0.58

**Aiken**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	8,657	14	13,441	5	4.35
2013-14	8,757	4	13,260	5	1.21
2014-15	8,843	7	13,088	1	10.3

**Allendale**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,248	7	33	0	N/A
2013-14	1,250	4	31	0	N/A
2014-15	1,230	6	31	0	N/A

**Anderson**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	6,992	19	22,100	19	3.16
2013-14	7,069	25	22,154	38	2.06
2014-15	7,217	13	22,245	37	1.08

### Bamberg

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,543	0	606	0	N/A
2013-14	1,474	0	601	0	N/A
2014-15	3,017	1	1,207	0	N/A

### Barnwell

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,312	2	1,654	0	N/A
2013-14	2,273	1	1,655	0	N/A
2014-15	4,585	1	3,309	1	0.72

### Beaufort

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	6,622	64	8,869	22	3.89
2013-14	6,652	50	8,816	15	4.41
2014-15	6,742	60	8,757	16	4.87

### Berkeley

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,576	95	16,348	58	2.53
2013-14	10,825	105	16,675	44	3.68
2014-15	11,041	171	16,879	74	3.53

### Calhoun

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,067	9	522	0	N/A
2013-14	1,093	0	537	0	N/A
2014-15	1,065	6	582	1	3.28

### Charleston

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	19,865	171	20,199	31	5.61
2013-14	19,948	189	20,889	34	5.82
2014-15	19,920	245	21,725	41	6.52

### Cherokee

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,429	5	5,942	2	6.11
2013-14	2,423	5	5,928	6	2.04
2014-15	2,405	10	5,879	3	8.15

### Chesterfield

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,030	0	3,928	1	N/A
2013-14	2,953	0	3,863	0	N/A
2014-15	2,945	7	3,747	1	8.91

### Clarendon

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,089	13	1,705	0	N/A
2013-14	3,043	8	1,675	0	N/A
2014-15	3,060	6	1,631	0	N/A

### Colleton

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,036	15	2,656	1	13.12
2013-14	2,977	18	2,669	3	5.38
2014-15	2,944	12	2,566	3	3.49



### Darlington

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	5,576	1	4,293	0	N/A
2013-14	5,657	3	4,318	1	2.29
2014-15	5,651	5	4,284	4	0.95

### Dillon

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,279	48	2,087	5	6.11
2013-14	3,275	36	2,179	8	2.99
2014-15	3,236	15	2,221	8	1.29

### Dorchester

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	7,745	34	13,607	5	12
2013-14	9,331	36	14,627	13	4.34
2014-15	9,609	28	14,835	9	4.8

### Edgefield

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,621	17	1,665	7	2.5
2013-14	1,586	9	1,612	0	N/A
2014-15	1,562	6	1,675	1	6.43

### Fairfield

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,557	0	329	1	N/A
2013-14	2,539	0	345	0	N/A
2014-15	2,491	0	329	0	N/A

### Florence

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,296	9	9,468	1	6.93
2013-14	12,451	5	9,496	0	N/A
2014-15	12,836	4	9,300	0	N/A

### Georgetown

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,265	6	4,829	7	0.97
2013-14	4,315	4	4,786	2	2.22
2014-15	4,308	16	4,801	8	2.23

### Greenville

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	18,875	185	42,384	107	3.88
2013-14	19,173	139	42,228	80	3.83
2014-15	19,455	89	42,159	52	3.71

### Greenwood

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,217	28	6,088	12	3.37
2013-14	4,300	45	5,972	20	3.13
2014-15	4,386	52	5,782	13	5.27

### Hampton

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,241	0	1,085	0	N/A
2013-14	2,160	1	1,063	0	N/A
2014-15	2,089	6	1,066	0	N/A

### Horry

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	9,501	27	25,664	18	4.05
2013-14	9,684	25	26,235	17	2.87
2014-15	9,893	32	26,666	28	2.79

### Jasper

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,839	4	346	0	N/A
2013-14	1,730	7	328	3	0.44
2014-15	1,746	2	363	0	N/A

### Kershaw

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,066	2	6,680	1	4.36
2013-14	3,119	3	6,667	2	3.21
2014-15	3,218	9	6,589	3	6.14

### Lancaster

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,551	0	7,172	0	N/A
2013-14	3,617	0	7,268	0	N/A
2014-15	3,702	3	7,397	3	2

### Laurens

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,027	2	5,097	3	1.12
2013-14	3,111	1	5,163	2	0.83
2014-15	3,181	17	5,053	5	5.4

**Lee**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,036	1	157	1	0.08
2013-14	2,068	15	149	0	N/A
2014-15	1,988	9	108	0	N/A

**Lexington<sup>#</sup>**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,486	13	36,368	9	4.21
2013-14	12,806	19	36,405	10	5.4
2014-15	13,019	22	36,289	9	6.81

# Lexington-Richland School District 5 spans both Lexington and Richland Counties. Within South Carolina Department of Education data, the District is listed as "Lexington District 5;" therefore, the enrollment for Lexington-Richland School District 5 is included in the calculations for Lexington County. This means that the student population covered by Lexington County law enforcement agencies is likely slightly smaller than recorded in these tables, while the student population covered by Richland County law enforcement agencies is likely slightly larger.

**Marion**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	3,812	4	1,119	2	0.59
2013-14	3,787	34	1,063	1	9.54
2014-15	3,699	20	1,000	2	2.7

**Marlboro**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,590	1	1,292	0	N/A
2013-14	2,612	2	1,259	1	0.96
2014-15	2,616	3	1,239	0	N/A

**McCormick**

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	666	3	153	0	N/A
2013-14	665	2	164	0	N/A
2014-15	646	11	150	2	1.28

### Newberry

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	2,272	23	2,809	5	5.69
2013-14	2,307	27	2,835	4	8.3
2014-15	2,311	49	2,820	9	6.64

### Oconee

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,309	4	8,115	3	8.27
2013-14	1,339	0	8,004	0	N/A
2014-15	1,313	1	7,980	4	1.52

### Orangeburg

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,534	21	2,739	2	2.73
2013-14	10,486	33	2,693	4	2.12
2014-15	10,373	32	2,710	5	1.67

### Pickens

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,650	26	13,585	41	5.22
2013-14	1,693	21	13,569	50	3.37
2014-15	1,751	20	13,327	35	4.35

### Richland

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	34,318	142	11,817	10	4.89
2013-14	34,789	123	11,600	11	3.73
2014-15	35,203	118	11,398	8	4.78

### Saluda

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	671	7	889	4	2.32
2013-14	643	3	854	1	3.98
2014-15	620	7	844	2	4.77

### Spartanburg

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	12,160	13	28,581	6	5.09
2013-14	12,216	17	28,406	12	3.29
2014-15	12,316	6	28,127	6	2.28

### Sumter

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	10,443	50	5,226	21	1.19
2013-14	10,439	85	5,248	6	7.12
2014-15	10,598	59	5,311	7	4.22

### Union

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	1,636	0	2,339	2	N/A
2013-14	1,689	2	2,392	2	1.42
2014-15	1,726	2	2,318	0	N/A

### Williamsburg

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	4,238	5	284	0	N/A
2013-14	4,033	10	297	0	N/A
2014-15	4,110	8	284	0	N/A

## York

Year	Black Enrollment	Black Arrests	White Enrollment	White Arrests	RRD
2012-13	9,914	22	26,473	31	1.9
2013-14	10,325	40	26,774	29	3.58
2014-15	10,723	45	26,916	34	3.32

## **B. Arrest Outcomes**

Note: Percentages do not always add up to 100% because tables exclude “charges amended,” “rule to show cause,” and other classifications other than dismissal, diversion, or prosecution.

### **Abbeville**

<b>Year</b>	<b>Total Arrests</b>	<b>Dismissed</b>	<b>Diverted</b>	<b>Prosecuted</b>
2012-13	23	6 (26.1%)	13 (56.5%)	4 (17.4%)
2013-14	4	2 (50%)	0	2 (50%)
2014-15	4	1 (25%)	2 (50%)	1 (25%)

### **Aiken**

<b>Year</b>	<b>Total Arrests</b>	<b>Dismissed</b>	<b>Diverted</b>	<b>Prosecuted</b>
2012-13	20	6 (30%)	11 (55%)	3 (15%)
2013-14	9	3 (33.33%)	6 (66.66%)	0
2014-15	8	1 (12.5%)	6 (75%)	1 (12.5%)

### **Allendale**

<b>Year</b>	<b>Total Arrests</b>	<b>Dismissed</b>	<b>Diverted</b>	<b>Prosecuted</b>
2012-13	7	6 (85.7%)	0	1 (14.3%)
2013-14	4	1 (25%)	0	2 (50%)
2014-15	6	6 (100%)	0	0

### **Anderson**

<b>Year</b>	<b>Total Arrests</b>	<b>Dismissed</b>	<b>Diverted</b>	<b>Prosecuted</b>
2012-13	39	26 (66.7%)	0	13 (33.3%)
2013-14	69	41 (59.4%)	16 (23.2%)	12 (17.4%)
2014-15	53	30 (56.6%)	12 (22.6%)	10 (18.9%)

### **Bamberg**

<b>Year</b>	<b>Total Arrests</b>	<b>Dismissed</b>	<b>Diverted</b>	<b>Prosecuted</b>
2012-13	0	0	0	0
2013-14	0	0	0	0
2014-15	1	0	1 (100%)	0



### Barnwell

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	2 (100%)	0	0
2013-14	1	1 (100%)	0	0
2014-15	2	1 (50%)	0	0

### Beaufort

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	87	42 (48.3%)	35 (40.2%)	10 (11.5%)
2013-14	69	32 (46.4%)	28 (40.6%)	8 (11.6%)
2014-15	86	46 (53.5%)	32 (37.2%)	8 (9.3%)

### Berkeley

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	163	30 (18.4%)	102 (62.6%)	31 (19.0%)
2013-14	155	30 (19.4%)	80 (51.6%)	32 (20.7%)
2014-15	252	26 (10.3%)	139 (55.2%)	78 (30.9%)

### Calhoun

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	9	5 (55.6%)	3 (33.3%)	1 (11.1%)
2013-14	0	0	0	0
2014-15	7	2 (28.6%)	3 (42.9%)	1 (14.3%)

### Charleston

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	204	16 (7.8%)	120 (58.8%)	59 (28.9%)
2013-14	225	24 (10.7%)	126 (56.0%)	71 (31.6%)
2014-15	290	27 (9.3%)	159 (54.8%)	93 (32.1%)

### Cherokee

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	7	4 (57.1%)	3 (42.9%)	0
2013-14	11	2 (18.2%)	5 (45.5%)	4 (36.4%)
2014-15	14	1 (7.1%)	8 (57.1%)	3 (21.4%)

### Chesterfield

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	1 (100%)	0	0
2013-14	0	0	0	0
2014-15	9	7 (77.8%)	2 (22.2%)	0

### Clarendon

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	13	3 (23.1%)	9 (69.2%)	1 (7.7%)
2013-14	8	1 (12.5%)	6 (75%)	0
2014-15	7	3 (42.9%)	4 (57.1%)	0

### Colleton

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	16	3 (18.8%)	12 (75%)	1 (6.3%)
2013-14	21	8 (38.1%)	7 (33.3%)	5 (23.8%)
2014-15	17	6 (35.3%)	4 (23.5%)	2 (11.8%)

### Darlington

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	2 (100%)	0	0
2013-14	4	1 (25%)	1 (25%)	2 (50%)
2014-15	10	8 (80%)	1 (10%)	1 (10%)

### Dillon

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	55	19 (34.6%)	24 (43.6%)	11 (20%)
2013-14	47	17 (36.2%)	3 (6.4%)	26 (55.3%)
2014-15	24	17 (70.8%)	2 (8.3%)	5 (20.8%)

### Dorchester

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	39	14 (35.9%)	14 (35.9%)	7 (17.9%)
2013-14	49	19 (38.8%)	5 (10.2%)	7 (14.3%)
2014-15	38	13 (34.2%)	6 (15.8%)	8 (21.1%)

### Edgefield

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	24	3 (12.5%)	12 (50%)	7 (29.2%)
2013-14	9	0	4 (44.4%)	5 (55.6%)
2014-15	7		6 (85.7%)	1 (14.3%)

### Fairfield

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	0	0	1 (100%)
2013-14	0	0	0	0
2014-15	0	0	0	0

### Florence

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	10	4 (40%)	5 (50%)	0
2013-14	5	3 (60%)	2 (40%)	0
2014-15	4	4 (100%)	0	0

### Georgetown

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	13	4	3	6
2013-14	6	3 (50%)	1 (16.7%)	2 (33.3%)
2014-15	24	17 (70.8%)	3 (12.5%)	5 (20.8%)

### Greenville

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	313	105 (33.5%)	142 (45.4%)	65 (20.8%)
2013-14	243	70 (28.8%)	124 (51.0%)	47 (19.3%)
2014-15	154	38 (24.7%)	98 (63.6%)	12 (7.8%)

### Greenwood

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	40	9 (22.5%)	18 (45%)	11 (27.5%)
2013-14	66	19 (28.8%)	35 (53.03%)	12 (18.2%)
2014-15	68	11 (16.2%)	44 (64.7%)	11 (16.2%)

## Hampton

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	0	0	0	0
2013-14	1	0	0	1 (100%)
2014-15	7	2 (28.6%)	0	4 (57.1%)

## Horry

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	49	20 (40.8%)	22 (44.9%)	6 (12.2%)
2013-14	43	17 (39.5%)	21 (48.8%)	2 (4.6%)
2014-15	60	29 (50.9%)	27 (45%)	1 (1.7%)

## Jasper

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	4	1 (25%)	2 (50%)	1(25%)
2013-14	10	6(60%)	3(30%)	1(10%)
2014-15	2	0	1(50%)	1(50%)

## Kershaw

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	2 (66.7%)	0	1(33.3%)
2013-14	5	1 (20%)	3(60%)	1(20%)
2014-15	13	7 (53.9%)	2(15.4%)	4 (7.8%)

## Lancaster

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	0	0	0	0
2013-14	0	0	0	0
2014-15	7	5(71.4%)	2(28.6%)	0

## Laurens

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	9	4 (44.4%)	4(44.4%)	1(11.1%)
2013-14	3	0	3(100%)	0
2014-15	22	4(18.2%)	8(36.4%)	10 (45.5%)

### Lee

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	0	2 (66.7%)	1 (33.3%)
2013-14	15	1 (6.7%)	14 (93.3%)	0
2014-15	9	3 (33.3%)	4 (44.4%)	0

### Lexington

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	23	12 (52.2%)	4(17.4%)	7(30.4%)
2013-14	30	8(26.7%)	10(33.3%)	12 (40%)
2014-15	33	6 (18.2%)	18(54.6%)	9(27.3%)

### Marion

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	6	2(33.3%)	3(50%)	1(16.7%)
2013-14	35	18 (51.4%)	13 (37.1%)	4(11.4%)
2014-15	22	12(54.6%)	4(18.2%)	3(13.6%)

### Marlboro

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	1	1 (100%)	0	0
2013-14	3	3(100%)	0	0
2014-15	3	1(33.3%)	2(66.7%)	0

### McCormick

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	3	2 (66.7%)	0	1(33.3%)
2013-14	2	0	1(50%)	1(50%)
2014-15	13	3(23.1%)	2(15.4%)	8 (61.5%)

### Newberry

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	29	3(10.3%)	19(65.5%)	7(77.8%)
2013-14	31	1(3.2%)	25(80.7%)	5(16.1%)
2014-15	62	4(6.5%)	44(71%)	13(21%)

### Oconee

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	8	5 (62.5%)	2(25%)	1(12.5%)
2013-14	0	0	0	0
2014-15	6	3 (50%)	1(16.7%)	2(33.3%)

### Orangeburg

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	23	3(13.04%)	13(56.5%)	7(30.4%)
2013-14	37	10 (27.03%)	15 (40.5%)	11(29.7%)
2014-15	38	1 (2.6%)	13 (34.2%)	23 (60.5%)

### Pickens

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	71	18 (25.4%)	32(45.1%)	21 (29.6%)
2013-14	72	25 (34.7%)	24 (33.3%)	22 (30.6%)
2014-15	61	12 (19.7%)	28 (45.9%)	20 (32.8%)

### Richland

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	156	28 (17.9%)	89 (57.1%)	38 (24.4%)
2013-14	136	20 (14.7%)	79 (58.1%)	37 (27.2%)
2014-15	129	25 (19.4%)	55 (42.6%)	49 (37.9%)

### Saluda

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	11	1 (9.1%)	7 (77.8%)	3 (27.3%)
2013-14	3	0	2 (66.7%)	1 (33.3%)
2014-15	9	1 (11.1%)	7 (77.8%)	1 (11.1%)

### Sumter

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	74	8 (10.8%)	46 (62.2%)	20 (27%)
2013-14	93	8 (8.6%)	54 (58.1%)	31 (33.3%)
2014-15	66	15 (22.7%)	37 (56.1%)	14 (21.2%)

### Spartanburg

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	20	3 (15%)	11 (55%)	6 (30%)
2013-14	31	3 (9.7%)	7 (22.6%)	20 (64.5%)
2014-15	12	2 (16.7%)	1 (8.3%)	9 (75%)

### Union

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	2	0	0	2 (100%)
2013-14	5	1 (20%)	0	3 (60%)
2014-15	2	0	0	2 (100%)

### Williamsburg

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	5	2 (40%)	3 (60%)	0
2013-14	10	8 (80%)	0	2 (20%)
2014-15	8	6 (75%)	1 (12.5%)	0

### York

Year	Total Arrests	Dismissed	Diverted	Prosecuted
2012-13	55	15 (27.3%)	26 (47.3%)	13 (23.6%)
2013-14	71	16 (22.5%)	38 (53.5%)	15 (21.1%)
2014-15	81	17 (21%)	51 (63%)	13 (16.1%)

## Appendix B





## Student Safety Act Reporting

1st Quarter 2016<sup>1</sup> (January 1 – March 31)

### **ARRESTS**

There were 412 school-based arrests in the first quarter of 2016.

- 69% of school arrests were conducted by NYPD Patrol, while only 11% were conducted by school safety agents.
- 81% of arrests were because of school-related incidents; the remainder were arrests due to incidents that occurred off school grounds.
- 72% of those arrested identified as male students.

#### **Breakdown by borough**

30.6% Brooklyn  
30.3% Bronx  
19.2% Queens  
17.5% Manhattan  
4.6% Staten Island

#### **Breakdown by race**

63% Black students  
29% Latino students  
2% white students

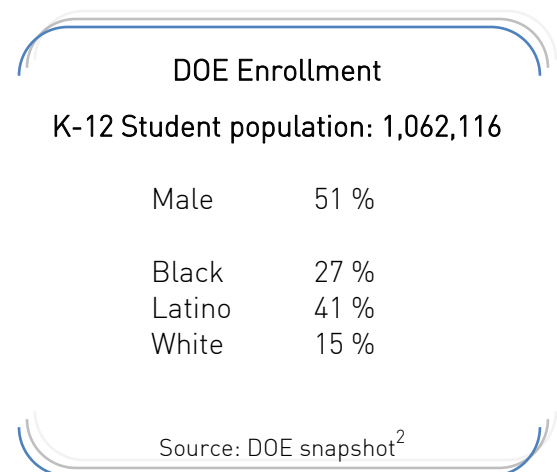
#### **Breakdown by age (data excludes students over 21)**

23% 14 or under  
72% 15-18  
5% 19-21

#### **Top charges**

44.6% assault (196)  
12.2% robbery (53)  
4.6% criminal possession of a weapon (20)  
4.4% grand larceny (19)  
3.4% resisting arrest (15)

- In 98% of arrests, students were placed in handcuffs.
- 91.6% of students restrained when arrested were Black or Latino (a rate disproportionate to their arrests).



<sup>1</sup> Discrepancies in school-related incident reporting and classification were present in the raw data provided for this quarter, therefore, the numbers presented in this quarter's report may inaccurately reflect incidents occurring on and off school grounds.

<sup>2</sup> DOE enrollment statistics were retrieved from the October 31st Audited Register.



## Student Safety Act Reporting

1st Quarter 2016<sup>1</sup> (January 1 – March 31)

### **ARRESTS**

There were 412 school-based arrests in the first quarter of 2016.

- 69% of school arrests were conducted by NYPD Patrol, while only 11% were conducted by school safety agents.
- 81% of arrests were because of school-related incidents; the remainder were arrests due to incidents that occurred off school grounds.
- 72% of those arrested identified as male students.

#### **Breakdown by borough**

30.6% Brooklyn  
30.3% Bronx  
19.2% Queens  
17.5% Manhattan  
4.6% Staten Island

#### **Breakdown by race**

63% Black students  
29% Latino students  
2% white students

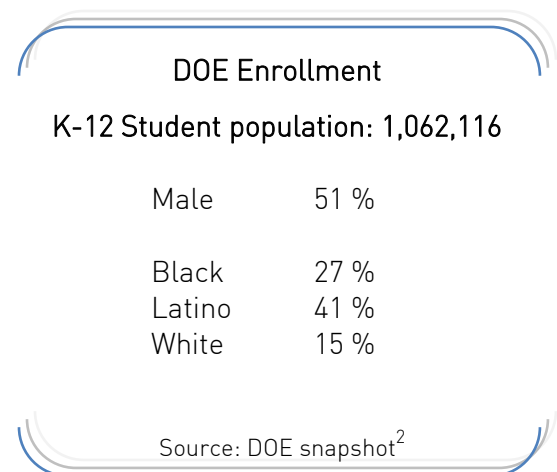
#### **Breakdown by age (data excludes students over 21)**

23% 14 or under  
72% 15-18  
5% 19-21

#### **Top charges**

44.6% assault (196)  
12.2% robbery (53)  
4.6% criminal possession of a weapon (20)  
4.4% grand larceny (19)  
3.4% resisting arrest (15)

- In 98% of arrests, students were placed in handcuffs.
- 91.6% of students restrained when arrested were Black or Latino (a rate disproportionate to their arrests).



<sup>1</sup> Discrepancies in school-related incident reporting and classification were present in the raw data provided for this quarter, therefore, the numbers presented in this quarter's report may inaccurately reflect incidents occurring on and off school grounds.

<sup>2</sup> DOE enrollment statistics were retrieved from the October 31st Audited Register.

## **SUMMONSES**

There were 332 summonses issued to students in the first quarter of 2016.

- 69.6% of summonses were issued by NYPD Patrol, 28% by Uniformed Task Force agents (police officers assigned to the School Safety Division) and only 2.3% by school safety officers.
- 99% of summonses were school-related and issued on-site.
- 68% of those issued summonses identified as male students.

### **Breakdown by borough**

35.2% Bronx  
30.1% Brooklyn  
21.1% Manhattan  
21.1% Queens  
5.7% Staten Island

### **Breakdown by race**

52% Black students  
39% Latino students  
2% white students

### **Breakdown by age (data set excludes students over 21)**

93% 16-18  
7% 19-21

### **Top charges**

The disorderly conduct category below includes a wide range of behaviors such as fighting, creation of hazardous conditions, refusing lawful order, unreasonable noise and obscene language or gesture.

35.5% disorderly conduct (120)  
28.6% possession of marijuana (97)  
15.3% possession of a knife (52)  
12.4% possession of a box cutter (42)  
2.4% other administrative code violations (8)

## **JUVENILE REPORTS**

Juvenile reports are taken for students under 16 who allegedly committed an offense that, if they were an adult, would be criminal. The report substitutes for an arrest or summons and students are detained during the time it takes to collect details.

- 310 juvenile reports issued in schools in the first quarter of 2016.
- **91.6% of juvenile reports were issued to Black and Latino students.**
- 18.4% of students were handcuffed during the investigation.
- **94.7% of students handcuffed were students of color.**

<b>STATEN ISLAND</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	10 (52.6%)	5 (26.3%)	4 (21.1%)	12 (63.2%)	7 (36.8%)	11 (57.9%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
6	5 (83.3%)	1 (16.7%)	0	4 (66.7%)	2 (33.3%)	6 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	10 (52.6%)	5 (26.3%)	4 (21.1%)	16 (84.2%)	3 (15.8%)	6 (31.6%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
3	3 (100%)	0	0	2 (66.7%)	1 (33.3%)	3 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
1	1 (100%)	0	0	1 (100%)	0	1 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	8 (42.1%)	7 (36.8%)	3 (15.8%)	8 (42.1%)	11 (57.9%)	3 (15.8%)

## **SUMMONSES**

There were 332 summonses issued to students in the first quarter of 2016.

- 69.6% of summonses were issued by NYPD Patrol, 28% by Uniformed Task Force agents (police officers assigned to the School Safety Division) and only 2.3% by school safety officers.
- 99% of summonses were school-related and issued on-site.
- 68% of those issued summonses identified as male students.

### **Breakdown by borough**

35.2% Bronx  
30.1% Brooklyn  
21.1% Manhattan  
21.1% Queens  
5.7% Staten Island

### **Breakdown by race**

52% Black students  
39% Latino students  
2% white students

### **Breakdown by age (data set excludes students over 21)**

93% 16-18  
7% 19-21

### **Top charges**

The disorderly conduct category below includes a wide range of behaviors such as fighting, creation of hazardous conditions, refusing lawful order, unreasonable noise and obscene language or gesture.

35.5% disorderly conduct (120)  
28.6% possession of marijuana (97)  
15.3% possession of a knife (52)  
12.4% possession of a box cutter (42)  
2.4% other administrative code violations (8)

## **JUVENILE REPORTS**

Juvenile reports are taken for students under 16 who allegedly committed an offense that, if they were an adult, would be criminal. The report substitutes for an arrest or summons and students are detained during the time it takes to collect details.

- 310 juvenile reports issued in schools in the first quarter of 2016.
- **91.6% of juvenile reports were issued to Black and Latino students.**
- 18.4% of students were handcuffed during the investigation.
- **94.7% of students handcuffed were students of color.**

## **HANDCUFFS**

There were 646 incidents where students were put in handcuffs in the first quarter of 2016.

- 93.2% involved Black and Latino students.

### **Breakdown by borough**

32.5% Brooklyn  
31.4% Bronx  
16.5% Queens  
14.9% Manhattan  
4.6% Staten Island

### **Breakdown by related incident**

62.7% arrest  
12.8% child-in-crisis (defined below)  
10.0% summons  
8.8% juvenile report  
4.3% mitigation (defined below)  
1.4% PINS (usually a family court warrant for a "Person in Need of Supervision")

### **Handcuffs used in child-in-crisis incidents**

Child-in-crisis refers to incidents where a student "displaying signs of emotional distress" is removed from the classroom and taken to the hospital for a psychological evaluation. The NYPD only reports child-in-crisis incidents where handcuffs are used.

- Handcuffs were used in 83 child-in-crisis incidents.
- **Black and Latino students made up 100% of these incidents.**

### **Handcuffs used in mitigation incidents**

Mitigation refers to incidents where a student commits an offense but the NYPD releases the student to the school for discipline. The NYPD only reports on mitigation incidents where handcuffs are used.

- Handcuffs were used in 28 mitigated incidents.
- **Black and Latino students made up 100% of these incidents.**

**BOROUGH BY BOROUGH ANALYSIS**

January 4 – March 31, 2016

<b>MANHATTAN</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
72	51 (70.8%)	20 (27.7%)	0	56 (77.8%)	16 (22.2%)	72 (100%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
6	5 (83.3%)	1 (16.7%)	0	5 (83.3%)	1 (16.7%)	6 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
61	29 (47.5%)	25 (40.9%)	6 (9.8%)	48 (78.7%)	13 (21.3%)	8 (13.1%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
1	1 (100%)	0	0	0	1 (100%)	1 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
1	0	1 (100%)	0	0	1 (100%)	1 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
70	32 (45.7%)	33 (47.1%)	2 (2.9%)	54 (77.1%)	16 (22.9%)	9 (12.9%)

<b>BRONX</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
125	70 (56%)	55 (44%)	0	86 (68.8%)	39 (31.2%)	123 (98.4%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
34	25 (73.5%)	9 (26.5%)	0	24 (70.6%)	10 (29.4%)	34 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
95	45 (47.4%)	49 (51.6%)	2 (2.1%)	58 (61.1%)	37 (38.9%)	9 (9.5%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
12	6 (50%)	6 (50%)	0	7 (58.3%)	5 (41.7%)	12 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
3	2 (66.6%)	1 (33.3%)	0	2 (66.6%)	1 (33.3%)	3 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
117	55 (47%)	57 (48.7%)	0	76 (64.9%)	41 (35.1%)	23 (19.7%)

<b>BROOKLYN</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
126	96 (76.2%)	22 (17.5%)	3 (2.4%)	96 (76.2%)	30 (23.8%)	123 (97.6%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
29	23 (79.3%)	6 (20.7%)	0	15 (51.7%)	14 (48.3%)	29 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
105	72 (68.6%)	26 (24.8%)	4 (3.8%)	78 (75.3%)	27 (25.7%)	26 (24.8%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
6	6 (100%)	0	0	3 (50%)	3 (50%)	6 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
3	2 (66.7%)	1 (33.3%)	0	1 (33.3%)	2 (66.7%)	3 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
100	66 (66%)	27 (27%)	2 (2%)	65 (65%)	35 (35%)	24 (24%)

<b>QUEENS</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
79	38 (48.1%)	21 (26.6%)	2 (2.5%)	51 (64.6%)	28 (35.4%)	78 (98.7%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
8	6 (75%)	2 (25%)	0	5 (62.5%)	3 (37.5%)	8 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
32	12 (37.5%)	15 (46.9%)	4 (12.5%)	20 (62.5%)	12 (37.5%)	8 (25%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
6	4 (66.7%)	2 (33.3%)	0	3 (50%)	3 (50%)	6 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
1	0	0	0	1 (100%)	0	1 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
26	13 (50%)	8 (30.8%)	1 (3.8%)	22 (84.6%)	4 (15.4%)	6 (23.1%)



<b>STATEN ISLAND</b>						
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	10 (52.6%)	5 (26.3%)	4 (21.1%)	12 (63.2%)	7 (36.8%)	11 (57.9%)
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
6	5 (83.3%)	1 (16.7%)	0	4 (66.7%)	2 (33.3%)	6 (100%)
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	10 (52.6%)	5 (26.3%)	4 (21.1%)	16 (84.2%)	3 (15.8%)	6 (31.6%)
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
3	3 (100%)	0	0	2 (66.7%)	1 (33.3%)	3 (100%)
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
1	1 (100%)	0	0	1 (100%)	0	1 (100%)
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>
19	8 (42.1%)	7 (36.8%)	3 (15.8%)	8 (42.1%)	11 (57.9%)	3 (15.8%)



## Student Safety Act Reporting

2<sup>nd</sup> Quarter 2016 (April 1 – June 30)

### **ARRESTS**

There were 375 school-based arrests in the second quarter of 2016.

- 54.4% of school arrests were conducted by NYPD Patrol, while 13.3% were conducted by school safety agents.
- 61.6% of arrests were because of school-related incidents; the remainder were arrests due to incidents that occurred off school grounds.
- 73.3% of those arrested identified as male students.

### **Breakdown by borough**

22.7% Manhattan  
22.7% Brooklyn  
27.2% Bronx  
21.1% Queens  
6.4% Staten Island

### **Breakdown by race**

58.9% Black students  
30.9% Latino students  
4.3% white students

### **Breakdown by age (data excludes students over 21)**

24% 14 or under  
71% 15-18  
4.5% 19-21

### **Top charges**

38.4% assault (144)  
14.9% robbery (56)  
7.2% criminal possession of a weapon (27)  
5.3% grand larceny (20)  
4.0% petit larceny (15)

- In 86.6% of arrests, students were placed in handcuffs.
- 89.5% of students restrained when arrested were Black or Latino (a rate disproportionate to their arrests).

### DOE Enrollment

K-12 Student population: 1,062,116

Male 51 %

Black 27 %

Latino 41 %

White 15 %

Source: DOE snapshot<sup>1</sup>

<sup>1</sup> DOE enrollment statistics were retrieved from the October 31st Audited Register.

## **SUMMONSES**

There were 247 summonses issued to students in the second quarter of 2016.

- 60.3% of summonses were issued by NYPD Patrol, 38.1% by Uniformed Task Force agents (police officers assigned to the School Safety Division) and only 1.6% by school safety officers.
- 94.7% of summonses were school-related.
- 67.6% of those issued summonses identified as male students.

### **Breakdown by borough**

33.6% Brooklyn  
32.4% Bronx  
18.2% Manhattan  
9.3% Queens  
6.5% Staten Island

### **Breakdown by race**

61.9% Black students  
32.4% Latino students  
1.1% white students

### **Breakdown by age (data set excludes students over 21)**

91% 16-18  
9% 19-21

### **Top charges**

The disorderly conduct category below includes a wide range of behaviors such as fighting, creation of hazardous conditions, refusing lawful order, unreasonable noise and obscene language or gesture.

43.7% disorderly conduct (108)  
24.7% possession of marijuana (61)  
14.9% possession of a knife (37)  
9.7% possession of a box cutter (24)  
2.0% other administrative code violations (5)

## **JUVENILE REPORTS**

Juvenile reports are taken for students under 16 who allegedly committed an offense that, if they were an adult, would be criminal. The report substitutes for an arrest or summons and students are detained during the time it takes to collect details.

- 255 juvenile reports issued in schools in the second quarter of 2016.
- **92% of juvenile reports were issued to Black and Latino students.**
- 20% of students were handcuffed during the investigation.
- **100% of students handcuffed were students of color.**

## **HANDCUFFS**

There were 564 incidents where children were put in handcuffs in the second quarter of 2016.

- **92.4% involved Black and Latino students.**

### **Breakdown by borough**

34.0% Bronx  
23.6% Brooklyn  
17.4% Manhattan  
17.0% Queens  
5.7% Staten Island

### **Breakdown by related incident**

57.4% arrest  
15.6% child-in-crisis (defined below)  
9.2% juvenile report  
7.8% mitigation (defined below)  
6.6% summons  
1.1% PINS (usually a family court warrant for a "Person in Need of Supervision")

### Handcuffs used in child-in-crisis incidents

Child-in-crisis refers to incidents where a student "displaying signs of emotional distress" is removed from the classroom and taken to the hospital for a psychological evaluation. The NYPD only reports child-in-crisis incidents where handcuffs are used.

- Handcuffs were used in 94 child-in-crisis incidents.
- **97% were of Black or Latino students.**

### Handcuffs used in mitigation incidents

Mitigation refers to incidents where a student commits an offense but the NYPD releases the student to the school for discipline. The NYPD only reports on mitigation incidents where handcuffs are used.

- Handcuffs were used in 44 mitigated incidents.
- **Black and Latino students made up 100% of these incidents.**

## **OTHER HIGHLIGHTS**

- 75% of all incidents (arrests, summons, handcuffs, juvenile reports, children-in-crisis, mitigations and PINS) were school-related.
- Of those classified as non-school related (the remaining 25%), 71% were incidents that occurred off school grounds, while 29% occurred on school grounds.

**BOROUGH BY BOROUGH ANALYSIS**

April 1 – June 30, 2016

<b>MANHATTAN</b>								
ARRESTS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
85	45 (52.9%)	35 (41.2%)	3 (3.6%)	64 (75.3%)	21 (24.7%)	77 (90.6%)	74	3
CRISES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
7	4 (57.1%)	2 (28.6%)	0	4 (57.1%)	3 (42.9%)	7 (100%)	7	0
JUV. REPTS.	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
41	25 (60.9%)	15 (36.6%)	0	27 (65.9%)	14 (34.1%)	8 (19.5%)	5	3
MITIGATIONS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
3	1 (33.3%)	2 (66.6%)	0	1 (33.3%)	2 (66.6%)	3 (100%)	3	0
PINS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
0	0	0	0	0	0	0	0	0
SUMMONSES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
45	23 (51.1%)	21 (46.7%)	0	33 (73.3%)	12 (26.7%)	3 (6.7%)	3	0

<b>BRONX</b>								
ARRESTS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
102	53 (51.9%)	46 (45.1%)	2 (1.9%)	72 (70.6%)	30 (29.4%)	78 (76.5%)	77	1
CRISES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
50	32 (62%)	17 (34%)	0	33 (66%)	17 (34%)	50 (100%)	38	12
JUV. REPTS.	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
110	59 (53.6%)	49 (44.5%)	2 (1.8%)	68 (61.8%)	42 (38.2%)	18 (16.4%)	18	0
MITIGATIONS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
23	7 (30.4%)	16 (69.6%)	0	12 (52.2%)	11 (47.8%)	23 (100%)	23	0
PINS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
5	1 (20%)	4 (80%)	0	3 (60%)	2 (40%)	4 (80%)	4	0
SUMMONSES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
80	42 (52.5%)	34 (42.5%)	0	52 (65%)	28 (35%)	19 (23.8%)	19	0

<b>BROOKLYN</b>								
ARRESTS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
85	66 (77.6%)	11 (12.9%)	4 (4.7%)	60 (70.6%)	25 (29.4%)	78 (91.8%)	78	0
CRISES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
18	14 (77.8%)	4 (22.2%)	0	10 (55.6%)	8 (44.4%)	18 (100%)	15	3
JUV. REPTS.	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
69	45 (65.2%)	19 (27.5%)	2 (2.9%)	43 (62.3%)	26 (37.7%)	18 (26.1%)	17	1
MITIGATIONS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
12	11 (91.7%)	1 (8.3%)	0	7 (58.3%)	5 (41.7%)	12 (100%)	11	1
PINS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
2	2 (100%)	0	0	1 (50%)	1 (50%)	2 (100%)	2	0
SUMMONSES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
83	60 (72.3%)	17 (20.5%)	1 (1.2%)	54 (65.1%)	29 (34.9%)	5 (6%)	5	0

<b>QUEENS</b>								
ARRESTS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
79	38 (48.1%)	18 (22.8%)	7 (8.9%)	62 (78.5%)	17 (21.5%)	68 (86.1%)	68	0
CRISES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
11	5 (45.5%)	3 (27.3%)	1 (9.1%)	6 (54.5%)	5 (45.5%)	11 (100%)	8	3
JUV. REPTS.	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
26	8 (30.8%)	8 (30.8%)	0	22 (84.6%)	4 (15.4%)	7 (26.9%)	7	0
MITIGATIONS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
6	4 (66.7%)	2 (33.3%)	0	4 (66.7%)	2 (33.3%)	6 (100%)	6	0
PINS	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
2	2 (100%)	0	0	0	2 (100%)	0	0	0
SUMMONSES	Black	Latino	White	Male	Female	Restraints Total	Metal	Velcro
23	17 (73.9%)	6 (26.1%)	0	16 (69.6%)	7 (30.4%)	4 (17.4%)	4	0

STATEN ISLAND								
<b>ARRESTS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
24	19 (79.2%)	5 (28.8%)	0	17 (70.8%)	7 (29.2%)	23 (95.8%)	23	0
<b>CRISES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
2	1 (50%)	1 (50%)	0	1 (50%)	1 (50%)	2 (100%)	1	1
<b>JUV. REPTS.</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
9	5 (55.6%)	2 (22.2%)	2 (22.2%)	5 (55.6%)	4 (44.4%)	1 (11.1%)	1	0
<b>MITIGATIONS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
0	0	0	0	0	0	0	0	0
<b>PINS</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
0	0	0	0	0	0	0	0	0
<b>SUMMONSES</b>	<b>Black</b>	<b>Latino</b>	<b>White</b>	<b>Male</b>	<b>Female</b>	<b>Restraints Total</b>	<b>Metal</b>	<b>Velcro</b>
16	11 (68.8%)	3 (18.8%)	2 (12.5%)	12 (75%)	4 (25%)	6 (37.5%)	6	0

# Appendix C





Kali Cohn  
Staff Attorney  
kcohn@aclutx.org

**VIA EMAIL**

October 25, 2016

Director of Risk Management  
Aldine ISD  
14910 Aldine Westfield Rd.  
Houston, Texas 77032  
[pguidry@aldine.k12.tx.us](mailto:pguidry@aldine.k12.tx.us)

**RE: Request for Public Information / Aldine ISD**

To Whom It May Concern:

Pursuant to the Texas Public Information Act, Texas Government Code Ch. 552, I request the following information<sup>1</sup> maintained by the Aldine Independent School District (“Aldine ISD” or the “District”) and its employees and agents related to school police in the District:

1. Documents sufficient to show all commissioned peace officers (“Officers”) and other local police department or Aldine ISD Police Department personnel assigned to District schools, including:
  - a. Officer or personnel name;
  - b. Assigned school;
  - c. Officer or personnel’s length of service at that school; and
  - d. Officer or personnel’s other non-school, police-related assignments.
2. Any and all policies, procedures, training materials, and/or directives related to Officers assigned to schools or with specific responsibility for responding to schools, including school resource officers (“SROs”), currently in effect, whether created solely by the District or in conjunction with another entity, or provided to the District by any state or local agent, including:
  - a. Criteria for hiring or placement as a school-based Officer, including an SRO;

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<sup>1</sup> The term “information” as used in this request includes all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

- b. Policy, agreement, or other document outlining when and where Officers may enter school campuses;
- c. Policy or other document describing when an Officer may detain, question, arrest, handcuff, and/or transport a student;
- d. Policy or other document addressing use of force by an Officer or another in an interaction with a juvenile or student;
- e. Policy or other document outlining whether and when an Officer may carry weapons, including but not limited to tasers, batons, pepper spray, or firearms, on school grounds or at school events.
- f. Policy or document requiring training of Officers placed in schools, including any training documents addressing:
  - i. Use of force, including permissible restraint techniques;
  - ii. Interrogation methods, including Reid interrogation methods;
  - iii. Distinguishing school misconduct from criminal conduct;
  - iv. De-escalation techniques;
  - v. Working with specific populations, including juveniles, students with disabilities, and people of color;
  - vi. Counseling;
  - vii. Teaching; and
  - viii. Emergency response.
- g. Policy or other document pertaining to evaluation criteria for Officers assigned to schools.

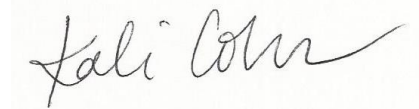
To the extent possible, I request that this information be provided electronically. Materials may be sent by email to [kcohn@aclutx.org](mailto:kcohn@aclutx.org), by fax to (713) 942-8966, or by mail to P.O. Box 600169, Dallas, TX 75360. As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding.

The Texas Public Information Act mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available. Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act. Under provisions of the Public Information Act, I reserve the right to appeal should you determine to withhold any information sought in my request.

Please do not hesitate to contact me if you have any questions or concerns. Please contact me by email at [kcohn@aclutx.org](mailto:kcohn@aclutx.org) or by telephone at (214) 346-6577.

Thank you for your assistance in this matter.

Sincerely,



Kali Cohn  
ACLU Foundation of Texas

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- <sup>1</sup> See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).
- <sup>2</sup> Throughout this report, we use school police officer and school resource officer interchangeably. While some may argue that there are important distinctions in how they are trained and operate vis-à-vis the school system, our argument in this report is that whether defined in the gentler terminology of school resource officer or that of school police, law enforcement officials have the power to exercise control, including to make arrests, that is wholly distinct from and undermines the mandate of schools.
- <sup>3</sup> Louis Nelson, “Trump: ‘I am the law and order candidate,’” *Politico*, July 11, 2016, <http://www.politico.com/story/2016/07/trump-law-order-candidate-225372>.
- <sup>4</sup> Valerie Strauss, “Trump: Public Schools are part of ‘American carnage,’” *Washington Post*, January 20, 2017, [https://www.washingtonpost.com/news/answer-sheet/wp/2017/01/20/in-his-inaugural-address-trump-groups-public-schools-with-gangs-drugs-and-rusted-out-factories/?utm\\_term=.98365288196c](https://www.washingtonpost.com/news/answer-sheet/wp/2017/01/20/in-his-inaugural-address-trump-groups-public-schools-with-gangs-drugs-and-rusted-out-factories/?utm_term=.98365288196c).
- <sup>5</sup> Josh Sides, “Straight into Compton: American Dreams, Urban Nightmares, and the Metamorphosis of a Black Suburb,” *American Quarterly* 56 (2004): 583-605.
- <sup>6</sup> Ben Brown, “Understanding and assessing school police officers: A conceptual and methodological comment,” *Journal of Criminal Justice* 34 (2006): 592.
- <sup>7</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration* (Cambridge: Harvard University Press, 2016), 92.
- <sup>8</sup> For a detailed account of these massive shifts in policy that drove mass incarceration, see *ibid*.
- <sup>9</sup> Derek W. Black, *Ending Zero Tolerance: The Crisis of Absolute School Discipline* (New York: New York University Press, 2016), 34.
- <sup>10</sup> Lawrence Fellows, “Jansen Opposes Police in Schools: Calls Proposal ‘Unthinkable’—Leibowitz Backs Idea,” *New York Times*, November 27, 1957.
- <sup>11</sup> *Ibid*.
- <sup>12</sup> *Ibid*.
- <sup>13</sup> Kenrya Rankin, “Nation’s Largest Public Schools Have More Police Than Counselors,” *Colorlines*, March 29, 2016, <https://www.colorlines.com/articles/study-nations-largest-public-schools-have-more-police-counselors>.
- <sup>14</sup> *The Washington Post*, “New Violence Erupts in San Francisco,” September 29, 1966.
- <sup>15</sup> *The Los Angeles Times*, “Big Cities Never Free of Violence,” November 26, 1967.
- <sup>16</sup> *Ibid*.
- <sup>17</sup> Quoted in Anthony M. Platt, “Saving and Controlling Delinquent Youth: A Critique,” *Issues in Criminology* 5 no. 1 (1970): 2.
- <sup>18</sup> *Ibid.*, 3.
- <sup>19</sup> Cliff Creager, “Teachers Seek 3R Return,” *The Los Angeles Times*, May 5, 1973.
- <sup>20</sup> Craig Turner, “Policeman May Be Assigned to Racially Troubled Monrovia High,” *Los Angeles Times*, June 20, 1972.
- <sup>21</sup> Creager, “Teachers Seek 3R Return,” *Los Angeles Times*.
- <sup>22</sup> Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration*, 92.
- <sup>23</sup> Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *The Journal of American History* 97 (2010): 710.
- <sup>24</sup> Lawrence Feinberg, “Board Acts to Keep Police in Schools,” *The Washington Post*, February 15, 1970.
- <sup>25</sup> *The Sun*, “Boston stations police in schools to prevent walkouts,” October 23, 1979.
- <sup>26</sup> Lynette Barnes, “Policing the Schools: An Evaluation of the North Carolina School Resource Officer Program,” Rutgers University, PhD Dissertation (2008), 19.
- <sup>27</sup> See Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration*; Donna Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (Chapel Hill: UNC Press, 2010); Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis*, (New York: Verso Press, 1999).
- <sup>28</sup> Lenore Greenberg, “Somerset Schools to Get Police ‘Advisers’: Administrative Changes Cited,” *The New York Times*, October 28, 1973.
- <sup>29</sup> *Ibid*.
- <sup>30</sup> See Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History.”

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- <sup>31</sup> Elizabeth Hinton, "Creating Crime: The Rise and Impact of National Juvenile Delinquency Programs in Black Urban Neighborhoods," *Journal of Urban History* 41, no. 5 (2015): 815.
- <sup>32</sup> United States Congress, "Omnibus Crime Control and Safe Streets Act of 1968," U.S. Congress (Washington, D.C., 1986).
- <sup>33</sup> Hinton, "Creating Crime: The Rise and Impact of National Juvenile Delinquency Programs in Black Urban Neighborhoods," 813.
- <sup>34</sup> Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California*, 59.
- <sup>35</sup> "Preventative Patrol Polices Schools," *Chicago Tribune*, November 19, 1970.
- <sup>36</sup> Juvenile Justice and Delinquency Prevention Act, Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq. (1974).
- <sup>37</sup> *Baltimore Sun*, "Testing of school children defended as research project," December 12, 1973.
- <sup>38</sup> *Los Angeles Times*, "Almanson Center Gets \$7,000 Grant for Pre-Delinquent Youth Program," October 28, 1984.
- <sup>39</sup> *Los Angeles Times*, "City Funds New Program to Rescue 'Pre-Delinquent,'" April 3, 1977.
- <sup>40</sup> Lawrence Feinberg, "City Police Patrols in Schools Scored," *The Washington Post*, January 7, 1970.
- <sup>41</sup> *Juvenile justice and delinquency prevention and runaway youth: Hearing before the Committee on Education and Labor, Subcommittee on Equal Opportunities, 93rd Cong. 2nd (1974)* (Statement of House Representative Shirley Chisholm).
- <sup>42</sup> *Austin American-Statesman*, "'Police state' in schools," July 16, 1975.
- <sup>43</sup> Dan Baum, "Legalize It All: How to Win the War on Drugs," *Harper's* (April 2016), <http://harpers.org/archive/2016/04/legalize-it-all/>.
- <sup>44</sup> *The Washington Post*, "VA Schools Using Undercover Police to Combat Drugs," March 22, 1978; *The Washington Post*, "Police Attack Drug Traffic in Schools," April 15, 1983.
- <sup>45</sup> *The Los Angeles Times*, "218 Arrested in Drug Roundup at L.A. Schools," December 14, 1983.
- <sup>46</sup> See Christian Parenti, *Lockdown America*, 1999.
- <sup>47</sup> Claudio G. Vera Sanchez and Ericka B. Adams, "Sacrificed on the Altar of Public Safety: The Policing of Latino and African American Youth," *Journal of Contemporary Criminal Justice* 27 (2011): 324.
- <sup>48</sup> *The Baltimore Sun*, "Tough Tactics Used at Urban Schools: Security is big issue in many cities," November 27, 1983.
- <sup>49</sup> *Ibid.*
- <sup>50</sup> *Los Angeles Times*, "To Stem Campus Crime Schools Law Enforcement Plan Mapped in Compton," April 2, 1978.
- <sup>51</sup> Parenti, *Lockdown America*, 78.
- <sup>52</sup> Ira M. Schwartz, Martha Wade Steketee, and Jeffrey A. Butts, "Business as Usual: Juvenile Justice During the 1980s," *Notre Dame Journal of Law, Ethics, and Public Policy* 5 (1991): 377.
- <sup>53</sup> *Ibid.*, 385.
- <sup>54</sup> *Ibid.*, 390.
- <sup>55</sup> *The New York Times*, "Violence Is Scarce in Schools, Police Find," February 13, 1990.
- <sup>56</sup> *Ibid.*
- <sup>57</sup> American Psychological Association Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations," *American Psychologist* 63 no. 9 (2008): 853.
- <sup>58</sup> *The New York Times*, "Giuliani Sees Role for Police in Schools: Backs Officer Patrol if Security Is Lacking," November 9, 1983; see also Parenti, *Lockdown America*, 78.
- <sup>59</sup> *The New York Times*, "Giuliani Sees Role for Police in Schools: Backs Officer Patrol if Security Is Lacking."
- <sup>60</sup> Kevin Drum, "A Very Brief History of Super-Predators," *Mother Jones*, March 3, 2015, <http://www.motherjones.com/kevin-drum/2016/03/very-brief-history-super-predators>.
- <sup>61</sup> *Los Angeles Sentinel*, "Safety in Schools Is High Priority for Local Police and L.A. School District," October 14, 1993.
- <sup>62</sup> *Orlando Sentinel*, "Police Charge 8 Pupils with Rampage at School," March 31, 1993.
- <sup>63</sup> *The Washington Post*, "D.C. Schools Add Police," March 12, 1994.
- <sup>64</sup> *New Jersey v. T.L.O.*, 469 U.S. 325, 385-86 (1985) (Stevens, J., concurring in part and dissenting in part).

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- <sup>65</sup> Bernadine Dohrn, “Look Out, Kid, It’s Something You Did’: The Criminalization of Children,” in *The Public Assault on America’s Children: Poverty, Violence, and Juvenile Justice*, ed. Valerie Polakow (New York: Teachers College Press, 2000), 164.
- <sup>66</sup> Christopher Mallet, “The School-to-Prison Pipeline: A critical review of the punitive paradigm shift,” *Child and Adolescent Social Work Journal* 33 (2016): 19.
- <sup>67</sup> Christopher Mallet, “The School-to-Prison Pipeline: A critical review of the punitive paradigm shift,” 19.
- <sup>68</sup> Harold Jordan, “Beyond Zero Tolerance: Discipline and Policing in Pennsylvania Schools,” ACLU of Pennsylvania (2015 edition).
- <sup>69</sup> Nancy Heitzeg, “Criminalizing Education: Zero Tolerance Policies, Police in the Hallways and the School to Prison Pipeline,” n.d.: 15, [https://www.hamline.edu/uploadedFiles/Hamline\\_WWW/HSE/Documents/criminalizing-education-zero-tolerance-police.pdf](https://www.hamline.edu/uploadedFiles/Hamline_WWW/HSE/Documents/criminalizing-education-zero-tolerance-police.pdf).
- <sup>70</sup> U.S. Department of Education, National Center for Education Statistics, “Digest of Education Statistics Table 216.20: Number and enrollment of public elementary and secondary schools, by school level, type, and charter or magnet status: Selected years, 1990-91 through 2013-2014,” [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_216.20.asp](https://nces.ed.gov/programs/digest/d15/tables/dt15_216.20.asp) (data does not distinguish disciplinary alternative schools from other forms of alternative schools).
- <sup>71</sup> Jessica Portner, “For-Profit Alternative Schools Are Hot Commodities,” *Education Week*, July 8, 1998, <http://www.edweek.org/ew/articles/1998/07/08/42altern.h17.html?r=40891787>. As Education Week reported, private companies saw millions of dollars in profits through the growth of alternative schools. Ibid.
- <sup>72</sup> See U.S. Department of Education, National Center for Education Statistics, “The Allocation Process for the Safe and Drug-Free Schools and Communities Grants,” 1 (2003), <https://nces.ed.gov/surveys/annualreports/pdf/sdfs20030428.pdf>; Safe and Drug-Free Schools and Communities Act, Pub. L. 107–110, Tit. IV Part A subpart II §§ 4126, 4127, 115 Stat. 1756 (2002).
- <sup>73</sup> Safe and Drug-Free Schools and Communities Act, Pub. L. 107–110, Tit. IV Part A subpart I, § 4114, 115 Stat. 1742 (2002).
- <sup>74</sup> Center for the Prevention of School Violence, “School Resource Officers: What We Know, What We Think We Know, What We Need To Know,” (1999): 2, [http://test.ncdjjdp.org/cpsv/pdf\\_files/nij\\_sro\\_rpt.pdf](http://test.ncdjjdp.org/cpsv/pdf_files/nij_sro_rpt.pdf). The authors state, “[t]he initial work the Center for the Prevention of School Violence did in 1994 . . . [was] often received by law enforcement and education professionals as well as lay persons with questions about what the letters ‘S’ ‘R’ ‘O’ represent. Now, the acronym ‘SRO’ is gaining meaning. . . . That is not to say that what we know with certainty is that everyone understands what ‘SRO’ represents. . . . In fact, what we know with certainty is that there is no one standardized definition for what a ‘School Resource Officer’ is.” Ibid.
- <sup>75</sup> 42 U.S.C. 136, § 13701 et seq. (1994).
- <sup>76</sup> Jeffrey A. Roth, et al., “National Evaluation of the COPS Program,” National Institute of Justice, U.S. Department of Justice (Aug. 2000): iii, <https://www.ncjrs.gov/pdffiles1/nij/183643.pdf>.
- <sup>77</sup> Ibid., 223 (describing grantee activities involving schools).
- <sup>78</sup> Office of Community Oriented Policing Services, “COPS Quick Facts for the State of California,” Department of Justice (Jan. 4, 2010): 70, <https://cops.usdoj.gov/pdf/StateReports2010/ca.pdf>.
- <sup>79</sup> *The School Resource Officers Partnership Grant Act*, Pub. Law No. 105-302, 112 Stat. 2841 (1998).
- <sup>80</sup> Senator Campbell speaking on S. 2235, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (June 25<sup>th</sup>, 1998): S7190-01; see also Statement of Senator Chafee, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (Oct. 1, 1998): S11291-01 (Chafee characterizes school shootings over the previous school year as “traumatic,” and states, “[c]hildren bringing weapons to school and drug use among youngsters aren’t problems of big city schools alone . . . .”); Representative Maloney speaking on H10331-01, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* (Oct. 9, 1998) (“The rash of school-related shootings and violence that have occurred in both small towns and large cities, rural areas and urban centers, have shocked the nation.”).
- <sup>81</sup> Representative McCollum speaking on H10331-01, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (Oct. 9, 1998); see also statement of Representative Etheridge on H10331-01, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (Oct. 9, 1998) (“We cannot expect our children to learn geometry if they are scared to death about the possibility of gunfire. We cannot expect our teachers to teach effectively when the scourge of drugs invade their classrooms.”); statement of Senator Chafee H10331-01, 105<sup>th</sup> Cong., 2<sup>nd</sup>

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sess., *Congressional Record* 144 (Oct. 9, 1998) (“While national statistics on violence in schools indicate an overall downward trend, the types of violence that have occurred recently, particularly in the last school year, are nothing short of traumatic. . . . Americans were shocked, time and time again, by the devastating sight on the evening news of youngsters being carried to ambulances from school grounds following shooting sprees by other youngsters.”).

<sup>82</sup> Statement of President William J. Clinton, “Actions to Help Keep Our Schools Safe, April 23, 1999, <https://clinton2.nara.gov/WH/Work/042399.html>. Accessed March 16, 2017.

<sup>83</sup> Rita Varano and Veh Bezdikian, “Addressing School-Related Crime and Disorder,” Office of Community Oriented Policing Services, United States Department of Justice, (September 2001): 2, <http://ric-zai-inc.com/Publications/cops-w0007-pub.pdf>.

<sup>84</sup> 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (June 25, 1998): S7190-01.

<sup>85</sup> *Ibid.*, “Statement of Senator Chafee.”

<sup>86</sup> See, e.g., Representative McCollum speaking on H10331-01, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (Oct. 9, 1998) (characterizing the program as a partnership between schools and police departments “that will keep children safe and provide juvenile intervention *before police or court action becomes necessary*.” [emphasis added]); *ibid.*, statement of Representative Stupak; *ibid.*, statement of Representative Scott (emphasizing that school resource officers would “expand community justice initiatives, train students in conflict resolution, restorative justice, and crime awareness”).

<sup>87</sup> “COPS Program After 4 Years—National Evaluation,” National Institute of Justice, (August 2000): 2, <https://www.ncjrs.gov/pdffiles1/nij/183644.pdf>.

<sup>88</sup> *Ibid.* (“all too often, partnerships were in name only”). “Arrest was repeatedly cited . . . as a common tool pulled from the problem-solving toolbox.” *Ibid.*, 207-208. For example, in North Charleston, South Carolina, reviewers found that problem solving was conducted with no community participation and responses were enforcement-oriented. *Ibid.* The assumption that strict enforcement would solve underlying problems was also observed in Austin, Texas; Buffalo, New York; Fresno, California; Huntington Beach, California; Milwaukee; Newark, New Jersey; and Racine, Wisconsin, each of which adopted “an area-based crime attack strategy under the rubric of zero tolerance.” *Ibid.*, 208.

<sup>89</sup> A 2005 analysis by the Government Accountability Office found that COPS initiatives were only a small factor in the decline in crime during the 1990s. See Government Accountability Office “Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s,” (October 2005), <http://www.gao.gov/products/GAO-06-104>. The COPS office disputed this finding. *Ibid.*

<sup>90</sup> See, e.g., Dan Eggen, “Hiring Under COPS Appears Set to End,” *Washington Post*, September 29, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A58046-2004Sep28.html>.

<sup>91</sup> Kenneth S. Trump, “School Safety Left Behind? School Safety Threats Grow as Preparedness Stalls and Funding Decreases,” National Association of School Resource Officers, February 2005, <http://www.schoolsecurity.org/resources/2004%20NASRO%20Survey%20Final%20Report%20NSSSS.pdf>.

<sup>92</sup> Congressional Research Service, “School Resource Officers: Law Enforcement Officers in Schools,” (June 26, 2013): 7, <https://fas.org/sgp/crs/misc/R43126.pdf>.

<sup>93</sup> Jordan, “Beyond Zero Tolerance: Discipline and Policing in Pennsylvania’s Schools,” 6.

<sup>94</sup> See Advancement Project, “Education on Lockdown: The Schoolhouse to Jailhouse Track,” (2005), <http://www.advancementproject.org/resources/entry/education-on-lockdown-the-schoolhouse-to-jailhouse-track>; New York Civil Liberties Union, “Criminalizing the Classroom: The Over-Policing of New York City Schools,” (2007), <https://www.aclu.org/other/criminalizing-classroom-over-policing-new-york-city-schools>; American Civil Liberties Union of Connecticut, “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns,” (2008), <https://www.aclu.org/report/hard-lessons-school-resource-officer-programs-and-school-based-arrests-three-connecticut>; American Civil Liberties Union, “Arrested Futures: The Criminalization of School Discipline in Massachusetts’ Three Largest School Districts,” (2009), [https://www.aclu.org/files/assets/maarrest\\_reportweb.pdf](https://www.aclu.org/files/assets/maarrest_reportweb.pdf); Justice Policy Institute, “Education Under Arrest: The Case Against Police in Schools,” (November 2011), [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf).

<sup>95</sup> U.S. Department of Education, “Supportive School Discipline Initiative Overview,” n.d., <http://www2.ed.gov/policy/gen/guid/school-discipline/appendix-3-overview.pdf>.

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<sup>96</sup> See, e.g., *Ending the School to Prison Pipeline, hearings before the United States Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights*, Testimony of Senator Durbin, (December 12, 2012), <https://www.judiciary.senate.gov/imo/media/doc/12-12-12DurbinStatement.pdf>.

<sup>97</sup> *Ending the School to Prison Pipeline, hearings before the United States Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights*, Testimony of Senator Teske, (December 12, 2012), <http://www.judiciary.senate.gov/imo/media/doc/12-12-12TeskeTestimony.pdf>.

<sup>98</sup> White House, “Now is the Time: The President’s plan to protect our children and our communities by reducing gun violence,” January 16, 2013, [https://obamawhitehouse.archives.gov/sites/default/files/docs/wh\\_now\\_is\\_the\\_time\\_full.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf).

<sup>99</sup> Letter from Acting Director of the Office of Community Oriented Policing Services, “2013 COPS Hiring Program (CHP),” U.S. Department of Justice, (April 22, 2013), [https://cops.usdoj.gov/pdf/2013\\_CHP\\_Open\\_Solicitation\\_Letter2.pdf](https://cops.usdoj.gov/pdf/2013_CHP_Open_Solicitation_Letter2.pdf); U.S. Department of Justice, Office of Community Oriented Policing Services, “2013 COPS Hiring Program Fact Sheet,” 2, [https://cops.usdoj.gov/pdf/2013AwardDocs/CHP/2013\\_Grant\\_Award\\_Package.pdf](https://cops.usdoj.gov/pdf/2013AwardDocs/CHP/2013_Grant_Award_Package.pdf).

<sup>100</sup> U.S. Department of Education, “U.S. Department of Education Awards \$12.3 Million in Elementary and Secondary School Counseling Grants,” (August 16, 2013), <http://www.ed.gov/news/press-releases/us-department-education-awards-123-million-elementary-and-secondary-school-couns>; U.S. Department of Justice, Office of Community Oriented Policing Services, “2013 CHP School Resource Officers List by State,” <https://cops.usdoj.gov/pdf/2013AwardDocs/CHP/2013-CHP-SRO-Fact-Sheet.pdf>.

<sup>101</sup> Chongmin Na and Denise Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” *Justice Quarterly* 30 (2013): 619-620.

<sup>102</sup> *Ibid.*

<sup>103</sup> National Association of School Resource Officers, “About NASRO,” <https://nasro.org/about/>. Accessed March 16, 2017.

<sup>104</sup> U.S. Department of Education, Office for Civil Rights, “2013-2014 Civil Rights Data Collection: A First Look,” October, 28, 2016, 5, <http://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.

<sup>105</sup> Congressional Research Service, “School Resource Officers: Law Enforcement Officers in Schools,” June 26, 2013, 6-7, <https://fas.org/sgp/crs/misc/R43126.pdf>.

<sup>106</sup> U.S. Department of Education, Office for Civil Rights, “2013-2014 Civil Rights Data Collection: A First Look,” October 28, 2016, 4-5, <http://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>. Federal data does not collect the reason for referral. However, as discussed below, at page 17, school-based referrals to law enforcement are commonly for non-violent and subjective offenses, such as disorderly conduct.

<sup>107</sup> Congressional Research Service, “School Resource Officers: Law Enforcement Officers in Schools,” June 26, 2013, 20. <https://fas.org/sgp/crs/misc/R43126.pdf>.

<sup>108</sup> *Ibid.*, 19.

<sup>109</sup> This includes funds awarded through COPS in Schools, Secure Our Schools, Safe School Initiative, School Partnership, and Universal Hiring–School Based Policing grant programs, as well as funds awarded to school districts or designated for school policing as reported in COPS 2010 State Reports and yearly award announcements. In 2011 and 2012, Universal Hiring Program grantees were not reported by policing area type; any awards for school-based policing that may have been granted could not be identified for these years.

<sup>110</sup> See Safe and Drug-Free Schools and Communities Act, Pub. L. 107–110, Tit. IV Part A subpart I, §§ 4114, 4115, 115 Stat. 1742 et seq. (2002) (permitting “not more than 40 percent of the funds available to a local educational agency” to be used for metal detectors, surveillance cameras, hiring school security personnel, and other measures); Peter Finn, “School Resource Officer Programs: Finding the Funding, Reaping the Benefits,” *FBI Law Enforcement Bulletin*, August 2006, 6, <https://leb.fbi.gov/2006-pdfs/leb-august-2006>.

<sup>111</sup> Memorandum from Paul D. Stapleton, Superintendent of Public Instruction, to Division Superintendents regarding School Resource Officer Grant Applications, Nov. 13, 1998, [http://www.doe.virginia.gov/administrators/superintendents\\_memos/1998/inf167.html](http://www.doe.virginia.gov/administrators/superintendents_memos/1998/inf167.html). Accessed March 16, 2017.



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- <sup>112</sup> See generally, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, “Program Summary: Juvenile Accountability Block Grants Program,” <https://www.ojjdp.gov/programs/ProgSummary.asp?pi=1>. Accessed March 16, 2017.
- <sup>113</sup> South Carolina Department of Public Safety, “Juvenile Justice Programs, Subgrant Updates,” November 2006, <http://www.scdps.gov/ohsjp/jjgp/122106/Program%20Highlights%20as%20of%20Nov%202006.doc>.
- <sup>114</sup> Peter Finn, Meg Townsend, Michael Shively, and Tom Rich, “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” U.S. Department of Justice, Office of Community Oriented Policing Services, June 2005, 200, [http://www.popcenter.org/Responses/school\\_police/PDFs/Finn\\_et\\_al\\_2005.pdf](http://www.popcenter.org/Responses/school_police/PDFs/Finn_et_al_2005.pdf).
- <sup>115</sup> Commonwealth of Virginia, Department of Criminal Justice Services, Fiscal Year 2012 Grants, December 30, 2011, [http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD122012/\\$file/RD12.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD122012/$file/RD12.pdf).
- <sup>116</sup> See Bureau of Justice Assistance, “Awards To: City of Longview” (as of March 10, 2017), <https://external.ojp.usdoj.gov/selector/awardeeDetail?awardee=City%20of%20Longview&po=BJA>.
- <sup>117</sup> Arizona Revised Statutes, § 15-154. Enacted in its earliest form in 1998, Arizona provides grants for school safety programs, which must include a school resource officer. *Ibid.*
- <sup>118</sup> Idaho Code, § 33-1017.
- <sup>119</sup> Indiana Code, § 10-21-1-2.
- <sup>120</sup> Kentucky Revised Statutes, § 158.442.
- <sup>121</sup> Minnesota Statutes, § 299A.62.
- <sup>122</sup> Mississippi Code, § 37-3-82.
- <sup>123</sup> New York Education Law, § 2814 (McKinney 2001).
- <sup>124</sup> 24 Pennsylvania Statutes, § 13-1302-A.
- <sup>125</sup> Tennessee Code, § 38-8-115.
- <sup>126</sup> Virginia Code, § 9.1-110.
- <sup>127</sup> Finn et al., “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” 191.
- <sup>128</sup> Vanessa Hernandez, “Students Not Suspects: The Need to Reform School Policing in Washington State,” ACLU of Washington, (2017), 8. Expected release in 2017.
- <sup>129</sup> U.S. Department of Education, Policy and Program Studies Services, “State and Local Expenditures on Corrections and Education,” July 2016, 13, <https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf>.
- <sup>130</sup> Sean Doogan, “Anchorage Mayor vetoes \$750,000 budget amendment for School Resource Officers,” *Anchorage Daily News*, November 25, 2013, <https://www.adn.com/anchorage/article/anchorage-mayor-vetoes-750000-school-resource-officer-budget-amendment/2013/11/26/>.
- <sup>131</sup> *Ibid.*
- <sup>132</sup> Memorandum from Ed Graff, Superintendent of Anchorage School District to Anchorage School Board, regarding FY 2015-2016 Preliminary Financial Plan and Budget (Second Reading), February 19, 2015, 6, [http://www.boarddocs.com/ak/asdk12/board.nsf/files/9TKRMP6EA154/\\$file/M161\\_FY%202015-2016%20Preliminary%20Financial%20Plan%20\(Second%20Reading\).2.pdf](http://www.boarddocs.com/ak/asdk12/board.nsf/files/9TKRMP6EA154/$file/M161_FY%202015-2016%20Preliminary%20Financial%20Plan%20(Second%20Reading).2.pdf).
- <sup>133</sup> Tegan Hanlon, “Anchorage School District plans to cut teacher jobs to close budget gap,” *Anchorage Daily News*, January 21, 2016, <https://www.adn.com/education/article/anchorage-superintendent-plans-cut-teacher-jobs-close-budget-gap/2016/01/21/>.
- <sup>134</sup> Finn et al., “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” 198.
- <sup>135</sup> *Ibid.*, 14.
- <sup>136</sup> Chicago Public Schools Board of Education Ratification of Intergovernmental Agreement with Chicago Police Department for School Patrol Services, January 23, 2013, [http://www.cpsboe.org/content/actions/2013\\_01/13-0123-PR12.pdf](http://www.cpsboe.org/content/actions/2013_01/13-0123-PR12.pdf); “Chicago Public Schools to Pay Police \$13 Million for Security,” *Security Magazine*, May 13, 2014, <http://www.securitymagazine.com/articles/85513-chicago-public-schools-to-pay-police-13-million-for-security>; Noreen S. Ahmed-Ullah, “Teachers Union, Charter Schools Rail at CPS Budget Cuts,” *Chicago Tribune*, June 13, 2013, [http://articles.chicagotribune.com/2013-06-13/news/ct-met-cps-budget-cuts-20130613\\_1\\_cps-budget-cuts-andrew-broy-chicago-teachers-union](http://articles.chicagotribune.com/2013-06-13/news/ct-met-cps-budget-cuts-20130613_1_cps-budget-cuts-andrew-broy-chicago-teachers-union).

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<sup>137</sup> Public Schools First NC, “Strong Funding Base,” <http://www.publicschoolsfirstnc.org/engage/know-the-issues/public-education-and-democracy/strong-funding-base-2/>. Accessed March 17, 2017.

<sup>138</sup> Jason Langberg, “School Resource Officer Census Released,” Youth Justice Project, April 19, 2015, <http://youthjusticenc.org/2015/04/19/569/>.

<sup>139</sup> The Education Trust-West, “Puzzling Plans and Budgets: Making Sense of California’s Second Year Local Control and Accountability Plans,” April 2016, 9, <https://west.edtrust.org/wp-content/uploads/sites/3/2015/11/ETW-April-2016-Report-Puzzling-Plans-and-Budgets-Final.pdf> (In 2014-2015, 22 school districts used funds for school police, and in 2015-2016, 19 districts used funds for school police); see also Nadra Kareem Nittle, “Why School Funding Will Always Be Imperfect,” *The Atlantic*, August 24, 2016, <http://www.theatlantic.com/education/archive/2016/08/will-there-ever-be-a-perfect-way-to-fund-schools/497069/>.

<sup>140</sup> The Education Trust-West, “Puzzling Plans and Budgets: Making Sense of California’s Second Year Local Control and Accountability Plans”; see also Laila Fahimuddin, “Fixing School Funding for Vulnerable Students in Stockton,” ACLU of Northern California, June 17, 2014, <https://www.aclunc.org/blog/fixing-school-funding-vulnerable-students-stockton>.

<sup>141</sup> *Ibid.*

<sup>142</sup> See, e.g., National Association of School Resource Officers, “To Protect & Educate: The School Resource Officer and the Prevention of Violence in Schools,” (2012): 21-22, <https://nasro.org/cms/wp-content/uploads/2013/11/NASRO-To-Protect-and-Educate-nosecurity.pdf>. (“In addition to traditional law-enforcement tasks . . . SROs’ activities can include a wide range of supportive activities and programs depending upon the type of school to which an SRO is assigned . . .”) [emphasis added].

<sup>143</sup> National Association of School Resource Officers, “Frequently Asked Questions,” <https://nasro.org/frequently-asked-questions/>. Accessed Jan. 6, 2017. (“NASRO considers it a best practice to use a ‘triad concept’ to define the three main roles of school resource officers: educator (i.e. guest lecturer), informal counselor/mentor, and law enforcement officer.”); U.S. Department of Justice, Office of Community Oriented Policing Services, “Supporting Safe Schools—What is a School Resource Officer?” Accessed January 6, 2017: <https://cops.usdoj.gov/supportingsafeschools> (adding “emergency manager” to the roles of a school resource officer). See also Center for the Prevention of School Violence, “School Resource Officers: What We Know, What We Think We Know, What We Need To Know,” 2.

<sup>144</sup> Department of Justice, Office of Community Oriented Policing Services, “Supporting Safe Schools—What is a School Resource Officer?,” <https://cops.usdoj.gov/supportingsafeschools>. Accessed January 6, 2017. (“an SRO’s primary responsibility is law enforcement”); Finn et al., “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” 198.

<sup>145</sup> Peter Finn and Jack McDevitt, “National Assessment of School Resource Officer Programs Final Project Report,” National Institute of Justice, 2005, <https://www.ncjrs.gov/pdffiles1/nij/grants/209273.pdf>.

<sup>146</sup> In a national survey, only 4 percent of both schools and law enforcement cited the levels of violence in a school as the reason for starting their school resource officer program. Nathan James and Gail McCallion, Congressional Research Service, “School Resource Officers: Law Enforcement Officers in Schools,” (June 26, 2013): 3, <https://fas.org/sgp/crs/misc/R43126.pdf> (citing Lawrence F. Travis III & Julie K. Coon, “The Role of Law Enforcement in Public School Safety: A National Survey,” July 10, 2005, 85, <https://www.ncjrs.gov/pdffiles1/nij/grants/211676.pdf>). Aside from “other,” most common reason cited by police departments (about one quarter of respondents) cited school disorder such as rowdiness or vandalism, while the most common reason cited by educators (again, about one quarter of respondents) was national media attention to school violence. *Ibid.*, 3-4.

<sup>147</sup> Na and Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” 619-620; Steven C. Teske, “A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescents,” *Journal of Child and Adolescent Psychiatric Nursing* 24 (2011): 88-97; Matthew Theriot, “School Resource Officers and the Criminalization of Student Behavior,” *Journal of Criminal Justice* 37 (2009), <http://youthjusticenc.org/download/education-justice/school-policing-security/School%20Resource%20Officers%20and%20the%20Criminalization%20of%20Student%20Behavior.pdf>. (Students are more likely to be arrested for disorderly conduct in schools with school resources officers).

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- <sup>148</sup> Finn et al., *A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program*, 123. For a discussion of the discretion exercised by school police, and the reasons for arresting students, see Kerrin Wolf, “Arrest Decision Making by School Resource Officers,” *Youth Violence and Juvenile Justice*, (2014): 12-13, <http://www.ncjfcj.org/sites/default/files/Final%20Arrest%20Decision%20Making%20by%20School%20Resource%20Officers.pdf>.
- <sup>149</sup> Finn et al., *A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program*, 51.
- <sup>150</sup> NASRO, “To Protect & Educate,” 34.
- <sup>151</sup> *Ibid.*, 27.
- <sup>152</sup> *Ibid.*
- <sup>153</sup> American School Counselor Association, “ASCA Ethical Standards for School Counselors,” 2016, <https://www.schoolcounselor.org/asca/media/asca/Ethics/EthicalStandards2016.pdf>.
- <sup>154</sup> Lisa H. Thureau and Johanna Wald, “Controlling Partners: When Law Enforcement Meets Discipline in Public Schools,” 54 *New York Law School Review* (2010): 977.
- <sup>155</sup> See Aaron Kupchik, *Homeroom Security: School Discipline in an Age of Fear*, (New York: NYU Press, 2010).
- <sup>156</sup> For example, NASRO suggests “[c]oordinating a Crime Scene Investigator to speak to Biology classes” or “[h]elping students with their homework.” NASRO, “To Protect & Educate,” 21-23.
- <sup>157</sup> U.S. Department of Justice, Office of Community Oriented Policing, “FY 2016 Performance Budget-Congressional Justification,” February 2, 2015, 36, [https://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/29\\_community\\_oriented\\_policing\\_services\\_cops.pdf](https://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/29_community_oriented_policing_services_cops.pdf).
- <sup>158</sup> Patrick Thomas, “‘Horrible’ Curriculum Dooms Program Putting Cops in Classes,” *Milwaukee Journal Sentinel*, June 26, 2016, <http://archive.jsonline.com/news/education/horrible-curriculum-dooms-program-putting-cops-in-classes-b99746220z1-384458931.html>.
- <sup>159</sup> *Ibid.*
- <sup>160</sup> *Ibid.*
- <sup>161</sup> In the example cited by government researchers, the police officer involved in emergency planning paid a visit to the school twice a week. U.S. Government Accountability Office, *Emergency Management: Improved Federal Coordination Could Better Assist K-12 Schools Prepare for Emergencies*, GAO-16-144 (Washington, D.C., 2016), 11, <http://www.gao.gov/assets/680/675737.pdf>.
- <sup>162</sup> Nathan James and Gail McCallion, Congressional Research Service, *School Resource Officers: Law Enforcement in Schools*, R43126, 2013, 11, <https://fas.org/sgp/crs/misc/R43126.pdf>.
- <sup>163</sup> U.S. Government Accountability Office, *Emergency Management: Improved Federal Coordination Could Better Assist K-12 Schools Prepare for Emergencies*, GAO 16-144, (Washington, D.C., 2016), 29-30, <http://www.gao.gov/assets/680/675737.pdf>.
- <sup>164</sup> U.S. Secret Service, National Threat Assessment Center & U.S. Department of Education, “Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools,” (Washington, D.C., 2000): 6, [https://archive.org/details/ERIC\\_ED447392](https://archive.org/details/ERIC_ED447392); see also U.S. Secret Service & U.S. Department of Education, “The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States,” (Washington, D.C., 2004): 37, <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.
- <sup>165</sup> Michael Dorn, Chris Dorn, Steve Satterly, Sonayia Shepherd, and Phuong Nguyen, “7 Lessons Learned from Sandy Hook,” *Campus Safety Magazine*, December 2, 2013, <http://www.campusafetymagazine.com/article/7-lessons-learned-from-sandy-hook/P2>.
- <sup>166</sup> Sandy Hook Advisory Commission, “Interim Report of Findings,” March 18, 2013, [http://www.governor.ct.gov/malloy/lib/malloy/SHAC\\_Interim\\_Report\\_2013.03.18.pdf](http://www.governor.ct.gov/malloy/lib/malloy/SHAC_Interim_Report_2013.03.18.pdf); Sandy Hook Advisory Commission, “Final Report,” March 6, 2015, [http://www.shac.ct.gov/SHAC\\_Final\\_Report\\_3-6-2015.pdf](http://www.shac.ct.gov/SHAC_Final_Report_3-6-2015.pdf).
- <sup>167</sup> U.S. Department of Education and U.S. Department of Justice, “Dear Colleague Letter: Nondiscriminatory Administration of School Discipline Appendix I,” January 8, 2014, 3, <https://www.justice.gov/sites/default/files/crt/legacy/2014/01/08/dcl.pdf>; see also U.S. Department of Justice, Office of Community Oriented Policing Services, “Memorandum of Understanding Fact Sheet,” Department of Justice, 2016,

[http://cops.usdoj.gov/pdf/2016AwardDocs/chp/2016 CHP MOU FactSheet v4.pdf](http://cops.usdoj.gov/pdf/2016AwardDocs/chp/2016_CHP_MOU_FactSheet_v4.pdf); see also U.S. Department of Justice, Office of Community Oriented Policing Services, “Pre-Award Frequently Asked Questions (FAQ) for 2016 COPS Office Hiring Program (CHP),” 2016, [http://cops.usdoj.gov/pdf/2016AwardDocs/chp/2016 CHP FAQs v2 508.pdf](http://cops.usdoj.gov/pdf/2016AwardDocs/chp/2016_CHP_FAQs_v2_508.pdf) (as a requirement of receiving Department of Justice grant funds for school resource officers, law enforcement officers “cannot be involved in the administrative discipline of the students”).

<sup>168</sup> National Association of School Resource Officers, “Position Statement on Police Involvement in School Discipline,” August 14, 2015, <https://nasro.org/news/nasro-updates/nasro-position-statement-police-involvement-student-discipline/>.

<sup>169</sup> NASRO, “To Protect & Educate,” 23. Although this publication pre-dates NASRO’s statement that school resource officers should not be involved in formal school discipline, it continues to be promoted by NASRO, and as of the date of this report, is prominently featured on the NASRO website.

<sup>170</sup> Ibid.

<sup>171</sup> Law enforcement officers must have at least reasonable suspicion of criminal activity to forcibly detain someone, even briefly. See *Terry v. Ohio*, 329 U.S. 1 (1968).

<sup>172</sup> Patti Dozier, “Georgia Middle School Student Charged for Stomping on Cop’s Foot With Cowboy Boots,” *The Daily Star*, January 5, 2017, [http://www.thedailystar.com/cnhi\\_network/georgia-middle-school-student-charged-for-stomping-on-cop-s/article\\_f3509df5-acc6-5922-9169-681034b308c3.html](http://www.thedailystar.com/cnhi_network/georgia-middle-school-student-charged-for-stomping-on-cop-s/article_f3509df5-acc6-5922-9169-681034b308c3.html).

<sup>173</sup> Kevin Reece, “Student Tackled by Officers Over Cell Phone Tells Her Side of the Story,” *KHOU 11 News*, September 3, 2014, [http://www.khou.com/news/local/neighborhood/student-tackled-by-officers-over-cell-phone-tells-her-side-of-the-story\\_20160629082947957/259158623](http://www.khou.com/news/local/neighborhood/student-tackled-by-officers-over-cell-phone-tells-her-side-of-the-story_20160629082947957/259158623).

<sup>174</sup> In Louisville, Kentucky, a school resource officer was charged with assault and other crimes after the school resource officer first punched a 13-year-old boy for cutting in line and, less than a week later, choked another 13-year-old unconscious. Marissa Alter, “JCP Responds to Resource Officer’s Assault Arrest,” *WLKY*, February 4, 2015, <http://www.wlky.com/news/police-say-video-shows-school-resource-officer-punching-student/31090656>. A lawsuit filed by parents alleged that the school should have anticipated these assaults based upon prior complaints of excessive force by the officer. Matthew Glowicki, “Lawsuit: JCPS, LMPD Aware of Claims Against Officer,” *Courier-Journal*, February 14, 2015.

<sup>175</sup> Robert Holguin, “San Pedro Mother Claims School Officer Used Excessive Force, Injured Son’s Wrist,” *ABC 7 Eyewitness News*, May 20, 2015, <http://abc7.com/news/san-pedro-mother-claims-school-officer-injured-sons-wrist-without-cause/731930/>.

<sup>176</sup> Steve Almasy, “Oklahoma School Resource Officer Charged With Misdemeanor Assault,” *CNN*, October 30, 2015, <http://www.cnn.com/2015/10/29/us/oklahoma-school-resource-officer-charged/>. See also John Gonzalez, “PGPD Officer Found Guilty of Assault on Punching Teen on Video,” *Associated Press*, May 4, 2015, <http://wjla.com/news/local/prince-george-s-county-officer-found-guilty-of-assaulting-teen-113709>. (A school resource officer in Prince George’s County, Maryland, was found guilty of second-degree assault after punching and then arresting a student.)

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<sup>179</sup> Reece, “Student Tackled by Officers Over Cell Phone Tells Her Side of the Story.”

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<sup>183</sup> See, e.g., National Center for Education Statistics, “Forum Guide to the Privacy of Student Information,” [https://nces.ed.gov/pubs2006/stu\\_privacy/surveillance.asp](https://nces.ed.gov/pubs2006/stu_privacy/surveillance.asp).

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(“Student Watch Program: The SRO and the principal select certain students to act as the eyes and ears of the SRO. The students are selected from different ethnic, social, and special interest groups giving the program broad cross section of the student body. The students would report to the SRO and or the principal. The students would be rewarded for the information given, these rewards would be based on

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<sup>185</sup> Finn et al., “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” 51.

<sup>186</sup> South Carolina Department of Public Safety, “Office of Highway Safety and Justice Programs, South Carolina State Strategy: Justice Assistance Grant Program Federal Fiscal Years 2013-2014,” as reported to the U.S. Department of Justice, Bureau of Justice Assistance, 2014, 7, <https://bjafactsheets.iir.com/PDF/Strategies/SC-Strategic-Plan.pdf>.

<sup>187</sup> Lincoln Police Department, “Gang Activity in the City of Lincoln: A Strategy of Prevention and Response,” 2014, 14, <https://www.lincoln.ne.gov/city/police/pdf/gangstrategy.pdf>; see also *ibid.* at 19 (“we will place particular emphasis on the generation of gang intelligence by school resource officers.”).

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<sup>193</sup> See, e.g., Jason Nance, “Students, Police and the School to Prison Pipeline,” *Washington University Law Review* 919 (2016): 93; (National review finding that after controlling for variables including demographics and levels of crime in a neighborhood, the introduction of police to schools increased the odds of student referral to law enforcement, even for minor offenses); Justice Policy Institute, “Education under Arrest: The Case Against Police in Schools,” November 2011, 13-16, [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf) (Summarizing research finding that student referrals to law enforcement increase with the assignment of police to schools, while most referrals are for minor conduct that could have been addressed through the school discipline system).

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<sup>243</sup> Susan Ferriss, “Virginia Tops Nation In Sending Students to Cops, Courts: Where does Your State Rank?,” *Center for Public Integrity* (April 10, 2015),

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<sup>244</sup> David C. May, Kevin I. Minor, and Corrie Rice, “An Examination of School Resource Officers’ Attitudes Regarding Behavioral Issues Among Students Receiving Special Education Services,” *Current Issues in Education* 15 (2012): 1, 8-10.

<sup>245</sup> See U.S. Department of Education, Office for Civil Rights, and U.S. Department of Justice, Civil Rights Division, “Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline,” January 8, 2014, 2, 4. As explained in the Dear Colleague Letter: “Section 504 prohibits disability discrimination by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits disability discrimination by public entities, including public school districts, in their services, programs, and activities. 29 U.S.C. § 794; 42 U.S.C. §§ 12131 et seq. Section 504 and Title II and their implementing regulations provide certain protections when students with disabilities are disciplined. Part B of the Individuals with Disabilities Education Act (IDEA) provides Federal funds to State educational agencies and through them to local educational agencies to assist in the provision of special education and related services to eligible children with disabilities. The IDEA contains specific provisions regarding the discipline of students with disabilities who are or may be IDEA-eligible and requires an analysis of discipline data disaggregated by race and ethnicity as well as possible review and revision of policies, practices, and procedures. See, e.g., 20 U.S.C. §§ 1412(a)(22), 1415(k), 1418(d); 34 C.F.R. § 300.530(e)-(g).” *Ibid.*; see also, Statement of Interest of the United States, *S.R. v. Kenton County*, No. 2:15-cv-143, 2015 WL 10058699 (October 2, 2015).

<sup>246</sup> Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits disability discrimination by public entities, including law enforcement agencies, in their services, programs, and activities. 29 U.S.C. § 794; 42 U.S.C. §§ 12131 et seq.

<sup>247</sup> Elizabeth Davis, Shelley Hyland, and Lynn Langton, U.S. Department of Justice, Bureau of Justice Statistics, “Police Use of Nonfatal Force, 2002-11,” November 2015, <http://www.bjs.gov/content/pub/pdf/punf0211.pdf>; Lisa H. Thurau and Johanna Wald, “Controlling Partners: When Law Enforcement Meets Discipline in Public Schools,” *New York Law School Law Review* 54, (2010): 977 (citing Bureau of Justice Statistics data showing that 3.5 percent of all police contacts are with 16- to 19-year-olds; 30.1 percent of all interactions involving use of force by police are with 16- to 19-year-olds; and 81.0 percent of interactions involving force are initiated by police.). Police are also more likely to use force in contacts with Black and Latino individuals. *Ibid.*

<sup>248</sup> Molly Knefel, “Why Are Police Using Military-Grade Weapons in High Schools?,” *Rolling Stone*, October 8, 2014, <http://www.rollingstone.com/politics/news/why-are-police-using-military-grade-weapons-in-high-schools-20141008>.

<sup>249</sup> *Ibid.*

<sup>250</sup> See *Graham v. Connor*, 490 U.S. 386, 396 (U.S. 1989) (“[P]roper application [of the test of reasonableness under the Fourth Amendment] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”)

<sup>251</sup> International Association of Chiefs of Police, “The Effects of Adolescent Development on Policing,” 5, <http://www.iacp.org/Portals/0/documents/pdfs/IACPBriefEffectsofAdolescentDevelopmentonPolicing.pdf>.

<sup>252</sup> Juvenile Detention Alternatives Initiative, “JDAI Juvenile Detention Facility Standards,” 2014: 187-88, <http://www.aecf.org/resources/juvenile-detention-facility-assessment/>.

<sup>253</sup> Rebecca Klein, “When You Have Police in Schools, Kids End Up Getting Pepper-Sprayed,” *Huffington Post*, October 5, 2015, [http://www.huffingtonpost.com/entry/school-pepper-spray\\_us\\_561057f5e4b0dd85030c53c0](http://www.huffingtonpost.com/entry/school-pepper-spray_us_561057f5e4b0dd85030c53c0).

<sup>254</sup> See Rebecca Klein, “Set to Stun,” *Huffington Post*, August 11, 2016, <http://data.huffingtonpost.com/2016/school-police/tasers>.

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- <sup>255</sup> Jaeah Lee, “Chokeholds, Brain Injuries, Beatings: When School Cops Go Bad,” *Mother Jones*, July 14, 2015, <http://www.motherjones.com/politics/2015/05/police-school-resource-officers-k-12-misconduct-violence>.
- <sup>256</sup> See, e.g., Ohio Admin. Code 5139-36-10 5139-36-10 (prohibiting use of pepper spray in community detention facilities); Missouri Rules of Juv. Proc., Appendix A (“The use of chemical agents in the facility is strongly discouraged . . . Only foam pepper spray or an agent that will not likely infiltrate the ventilation system of the facility” may be used.).
- <sup>257</sup> “School fight by the numbers,” *Daily Herald*, November 6, 2016, [http://www.rrdailyherald.com/opinion/school-fight-by-the-numbers/article\\_15fdd5d6-a39b-11e6-a4c0-675af3fd7ab3.html](http://www.rrdailyherald.com/opinion/school-fight-by-the-numbers/article_15fdd5d6-a39b-11e6-a4c0-675af3fd7ab3.html).
- <sup>258</sup> Jeremy Timmerman, “Pepper spray used, student charged at Macon’s Elam Alexander,” *The Telegraph*, April 21, 2016, <http://www.macon.com/news/local/education/article73158292.html>.
- <sup>259</sup> See Southern Poverty Law Center, “SPLC wins lawsuit challenging use of pepper spray in Alabama school district,” October 1, 2015, <https://www.splcenter.org/news/2015/10/01/splc-wins-lawsuit-challenging-use-pepper-spray-alabama-school-district>.
- <sup>260</sup> “Victoria East Student Tased,” *Victoria Advocate*, November 3, 2015, <https://www.victoriaadvocate.com/news/2015/nov/03/victoria-east-student-tased/>.
- <sup>261</sup> Sky Chadde, “Video shows tased East student wasn’t moving,” *Victoria Advocate*, December 22, 2015, <https://www.victoriaadvocate.com/news/2015/dec/22/video-shows-tased-east-student-wasnt-moving/>.
- <sup>262</sup> “Officer uses Taser on MHS student following assault,” *Times Republican*, February 12, 2014, <http://content.timesrepublican.com/?p=568508/Officer-uses-Taser-on-MHS-student-following-assault.html>.
- <sup>263</sup> Melissa Hipolit and Robb Crocker, “Taser used on 8<sup>th</sup> grade student who was disruptive in cafeteria, assaulted officer,” *WTVR*, March 13, 2015, <http://wtvr.com/2015/03/13/area-student-tased-after-being-disruptive/>.
- <sup>264</sup> Amaka Ubaka, “Officer arrested on child abuse charge, Kissimmee police say,” *ClickOrlando.com*, May 30, 2015, [http://www.clickorlando.com/news/officer-arrested-on-child-abuse-charge-kissimmee-police-say\\_20151107080600847](http://www.clickorlando.com/news/officer-arrested-on-child-abuse-charge-kissimmee-police-say_20151107080600847).
- <sup>265</sup> Robert Holguin, “San Pedro Mother Claims School Officer Used Excessive Force, Injured Son’s Wrist,” *ABC 7 Eyewitness News*, May 20, 2015, <http://abc7.com/news/san-pedro-mother-claims-school-officer-injured-sons-wrist-without-cause/731930/>.
- <sup>266</sup> Michael Allen, “Teen Girl Suffers Broken Jaw During Arrest by School Cop (Video),” *Opposing Views*, February 24, 2015, <http://www.opposingviews.com/i/society/crime/teen-girl-suffers-broken-jaw-during-arrest-school-cop-video>.
- <sup>267</sup> James Pinkerton, “Pasadena family accuses school officer of ‘brutal and excessive’ beating,” *Houston Chronicle*, February 5, 2015, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Pasadena-family-accuses-school-officer-of-brutal-6064567.php#photo-7488523>.
- <sup>268</sup> “ACLU of Missouri Sues KC Public Schools for Handcuffing Second Grader,” *ACLU of Missouri*, September 8, 2016, <https://www.aclu-mo.org/newsviews/2016/09/08/aclu-missouri-sues-kc-public-schools-handcuffing-second-grad>.
- <sup>269</sup> “S.R. v. Kenton County Sheriff’s Office,” *ACLU*, August 3, 2015, <https://www.aclu.org/cases/sr-v-kenton-county-sheriffs-office>.
- <sup>270</sup> Hawes Spencer, “Child Handcuffed and School Policies Questioned,” *WVTF Public Radio*, December 9, 2014, <http://wvtf.org/post/child-handcuffed-and-school-policies-questioned#stream/0>.
- <sup>271</sup> The BrandNewWorld. “Eight-year-old special needs student HANDCUFFED at school.” YouTube Video, 1:53. Posted March 2013. <https://www.youtube.com/watch?v=Hl2thh0HAeI>; see also Talia Kaplan, “8-year-old special needs student handcuffed, arrested for tantrum at school” *KSDK News*, March 8, 2013, <http://thegrio.com/2013/03/08/8-year-old-special-needs-student-handcuffed-arrested-for-tantrum-at-school/>.
- <sup>272</sup> Kemberly Richardson, “Video Shows Special-Needs Student Restrained in Bronx School,” *WABC News*, September 30, 2014, <http://abc7ny.com/education/video-shows-special-needs-student-restrained-in-bronx-school/331179/>.

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<sup>273</sup> Office of Civil Rights, U.S. Department of Education, “Dear Colleague Letter,” December 28, 2016, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>.

<sup>274</sup> Finn et al., “A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program,” 111 (“SROs in the study report that *training before new SROs go into the schools is essential.*”); National Association of School Resource Officers, “NASRO Position Statement on Police Involvement in Student Discipline,” August 14, 2015, <https://nasro.org/news/nasro-updates/nasro-position-statement-police-involvement-student-discipline/>, (an MOU should “[r]equire that all school resource officers (SROs) be carefully selected law enforcement officers who have received specialized SRO training in the use of police powers and authority in a school environment.”); U.S. Department of Justice, Office of Community Oriented Policing Services, “Fact Sheet: COPS Hiring Program School Resource Officer Scholarship Opportunity for NASRO Training,” September 2014, [http://www.cops.usdoj.gov/pdf/2014\\_CHP-SRO-FactSheet3\\_092613.pdf](http://www.cops.usdoj.gov/pdf/2014_CHP-SRO-FactSheet3_092613.pdf) (COPS “strongly encourages SROs to receive specialized training prior to working in a school environment.”) “Law Enforcement’s Leadership Role in Juvenile Justice Reform,” International Association of Chiefs of Police, July 2014, 10, <http://www.theiacp.org/portals/0/documents/pdfs/juvenilejusticesummitreport.pdf>. (“School resource officers and other police who work closely with schools need training and clear expectations among their agencies and school officials.”).

<sup>275</sup> A 2013 survey of law enforcement training curricula by Strategies for Youth found that “only 2 states’ written curricula included training on youth development issues, such as communication techniques with juveniles, understanding the problems adolescents face and recognizing the sources and triggers of their behavior,” and “[i]n 37 states, academies spent 1% or less of total training hours on juvenile justice issues.” “If Not Now, When?: A Survey of Juvenile Justice Training in America’s Police Academies,” *Strategies for Youth*, February 2013, 4,

[http://strategiesforyouth.org/sfysite/wp-content/uploads/2013/03/SFYReport\\_02-2013\\_rev.pdf](http://strategiesforyouth.org/sfysite/wp-content/uploads/2013/03/SFYReport_02-2013_rev.pdf). Only eight states addressed federal obligations to reduce disproportionate minority contact, and most academies did not address recognizing mental health or other disabilities in adolescents. *Ibid.*

<sup>276</sup> Eight states (CA, Cal. Educ. Code § 32282.1; IN, I.C. § 20-26-18.2-1; LA, LSA-R.S. § 17:416.19; MO, V.A.M.S. § 168:450; MS, Miss. Admin. Code § 7-6-2:1; NJ, N.J.S.A. § 18A:17-43.1; SC, SC Code § 5-7-12; TN, T.C.A. § 49-6-4217) require specific training of all school police officers. Texas requires training of school resource officers in school districts with over 30,000 students. *See* V.T.C.A. § 1701.263. Colorado requires at least one officer from each law enforcement agency to attend basic school resource officer training. C.R.S.A. § 24-31-312. Alabama requires school resource officers to obtain firearms training before carrying a firearm. Ala. Code § 16-1-44.1.

<sup>277</sup> Miss. Admin Code § 7-6-2:1 (requiring training “within two years of appointment”); Cal. Penal Code § 832.3; U.S. Department of Justice: COPS Hiring Program School Resource Officer Scholarship Opportunity for NASRO Training. (In previous years, COPS’ voluntary training was made available within the first 18 months of grant funding); Finn et al., *A Guide to Developing, Maintaining, and Succeeding With Your School Resource Officer Program*, 111 (“Despite its importance, few programs in the study train SROs adequately before they go on the job . . .”). Only Indiana, Ind. Code. Ann. § 20-26-18.2-1, and South Carolina, S.C. Code § 5-7-12, state that training must be completed before a school resource officer is assigned to a school.

<sup>278</sup> Tex. Educ. Code § 37.081.

<sup>279</sup> “Texas’ School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools,” *Texas Appleseed*, 2010, 43,

[http://www.njcn.org/uploads/digital-library/Texas-School-Prison-Pipeline\\_Ticketing\\_Booklet\\_Texas-Appleseed\\_Dec2010.pdf](http://www.njcn.org/uploads/digital-library/Texas-School-Prison-Pipeline_Ticketing_Booklet_Texas-Appleseed_Dec2010.pdf) (overviewing the history).

<sup>280</sup> “Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students,” *Texas Appleseed* and *Texans Care for Children*, 2016, <http://stories.texasappleseed.org/dangerous-discipline> (reporting the districts with ISD police departments); “Current Districts,” Texas Education Agency Public Open Data Site, [schoolsdata2.tea.texas.opendata.arcgis.com/datasets/e115fed14c0f4ca5b942dc3323626b1c\\_0/data](https://schoolsdata2.tea.texas.opendata.arcgis.com/datasets/e115fed14c0f4ca5b942dc3323626b1c_0/data) (showing total districts statewide).

<sup>281</sup> Seventeen school district police departments responded at the time of this writing: Aldine, Aledo, Austin, Beaumont, Brownsville, Cedar Hill, Cypress-Fairbanks, Dumas, East Central, El Paso, Fort Bend, Galveston, Houston, Mansfield, North East, Pasadena, and Santa Fe.

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- <sup>282</sup> A copy of the ACLU records request is attached at Appendix C.
- <sup>283</sup> “Aledo ISD Job Description, Security Department, Police Officer,” revised August 28, 2014, <https://www.applitrack.com/aledo/onlineapp/1BrowseFile.aspx?id=8231>.
- <sup>284</sup> Dumas ISD Police Department, “Recorded Surveillance Camera Images,” FL-43 (Rev. December 3, 2012); see also Dumas ISD Policy CKE (Local), October 7, 2016.
- <sup>285</sup> Mansfield ISD Police Department, Policy 616.3.2 September 23, 2016.
- <sup>286</sup> Austin ISD Police Department, Policy 4.02, Criminal Investigations Section (last revised December 3, 2014).
- <sup>287</sup> Cypress-Fairbanks ISD Police Department Essential Services Plan, Campus Operations, 2016-2017.
- <sup>288</sup> Santa Fe ISD Police Department Standard Operating Procedure (SOP) 900-1, August 1, 2010.
- <sup>289</sup> Galveston ISD Police Department General Order 9, Campus-Based Officers, Policy III.K (May 2008).
- <sup>290</sup> See, e.g., Cedar Hill ISD Police Department General Orders 5.7 and 4.11; East Central ISD PD SOP Chap. 11 §16.A.
- <sup>291</sup> Cedar Hill ISD PD General Orders 5.7.
- <sup>292</sup> For example, the search policy advises administrators that “threatening to contact . . . police” constitutes coercion and invalidates consent to search. Cedar Hill ISD Policy FNF (Legal) (applicable to all school districts). Cedar Hill ISD’s local policy, FNF (Local), refers to an additional policy, GRA (Local), for questioning by law enforcement. However, this policy does not govern how law enforcement should approach the questioning of students but only how school administrators should handle a request by law enforcement to question a student.
- <sup>293</sup> East Central ISD Police Department SOP Chap. 7 Definitions, 1; § 1.B Racial Profiling; Chap. 6 § 9.A.
- <sup>294</sup> Ibid.
- <sup>295</sup> Also referred to as O.C. spray or O.C. Foam, a foam variant.
- <sup>296</sup> East Central ISD PD SOP Chap. 5 §6.D.
- <sup>297</sup> El Paso ISD Police Department Police Services Policy, “Use of the Taser Device.”
- <sup>298</sup> Austin ISD Police Department, Use of Force – General Policy and Reporting, Policy 1.03.
- <sup>299</sup> Brownsville Independent School District, “2016-2017 Student Code of Conduct,” 1.
- <sup>300</sup> Cypress-Fairbanks ISD PD, FO.01 (last revised Sept. 17, 2015); East Central ISD PD, Chap. 1 §8.J.
- <sup>301</sup> Cedar Hill ISD Police Department General Order 5.2(a), “Unauthorized physical restraints.”
- <sup>302</sup> Mansfield ISD Police Department Policy 201.3.3, “Restraint of Juveniles.”
- <sup>303</sup> Cedar Hill ISD PD General Orders 5.1, “Physical Restraint.” This use of physical restraint is an exception carved out of Cedar Hill ISD PD’s General Orders on the Use of Non-Deadly Force, G.O. 9.3.
- <sup>304</sup> Cypress-Fairbanks ISD Police Department Essential Services Plan, Campus Operations, 2016-2017.
- <sup>305</sup> Pasadena ISD Police Department General Orders 15.IV.D.2, Use of Force (revised June 2002).
- <sup>306</sup> Ibid.
- <sup>307</sup> Jennifer Carreon and John Kreager, “Schools Should Collect and Report Data Each Time a School Police Officer Uses Force Against a Student,” Fact Sheet 2015, *Texas Criminal Justice Coalition*, 2015.
- <sup>308</sup> Ibid.
- <sup>309</sup> Reece, Student Tackled by Officers over Cell Phone Tells Her Side of the Story;” Catherine Shoichet, “Video Shows San Antonio School Police Officer Body-Slamming Student,” *CNN*, April 7, 2016, <http://www.cnn.com/2016/04/07/us/san-antonio-school-officer-body-slam/>.
- <sup>310</sup> “Raw Video: SAISD Officer Faces Investigation After Subduing Student,” *KENS5*, February 27, 2014. [http://www.kens5.com/news/local/raw-video-saisd-officer-faces-investigation-after-subduing-student\\_20160705033616266/263939485](http://www.kens5.com/news/local/raw-video-saisd-officer-faces-investigation-after-subduing-student_20160705033616266/263939485).
- <sup>311</sup> James Pinkerton, “Pasadena Family Accuses School Officer of ‘Brutal and Excessive’ Beating,” *Houston Chronicle*, February 5, 2015, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Pasadena-family-accuses-school-officer-of-brutal-6064567.php#photo-7488523>.
- <sup>312</sup> MKDAVIS323. “Police Officer breaks boy’s arm!” YouTube video, 0:47. Posted [March 21, 2014]. <https://www.youtube.com/watch?v=2hAk71VvXxw&feature=youtu.be>; Elissa Rivas, “Ft. Bend Co. Student Claims Officer Broke Her Arm,” *ABC13*, November 19, 2015, <http://abc13.com/news/student-claims-security-officer-broke-her-arm/1092021/>.
- <sup>313</sup> Philip Jankowski, “Georgetown officer suspended 40 days after tripping incident,” *Austin American-Statesman*, June 4, 2014, <http://www.statesman.com/news/local/georgetown-officer-suspended-days-after-tripping-incident/LwiUxVjBMaiEnsPqvtL9DN/>.

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- <sup>314</sup> “Round Rock High police incident caught on camera,” *KXAN*, Oct. 9, 2015, <http://kxan.com/2015/10/09/round-rock-high-police-incident-caught-on-camera/>.
- <sup>315</sup> Texas Juvenile Justice Department, General Administrative Policy Manual 380.9723(k)(1) (effective February 15, 2016).
- <sup>316</sup> Texas Occupations Code §1701.263.
- <sup>317</sup> Those nine are Austin, Aldine, Brownsville, Cypress-Fairbanks, El Paso, Houston, Mansfield, North East, and Pasadena.
- <sup>318</sup> Those eight are Aledo, Beaumont, Cedar Hill, Dumas, East Central, Fort Bend, Galveston, and Santa Fe.
- <sup>319</sup> Texas Occupations Code §1701.262.
- <sup>320</sup> Texas Occupations Code §1701.263.
- <sup>321</sup> Nathan James and Gail McCallion, Congressional Research Service, *School Resource Officers: Law Enforcement in Schools* (2013), <https://fas.org/sgp/crs/misc/R43126.pdf>; Justice Policy Institute, “Education Under Arrest: The Case Against Police In Schools” (Nov. 2011), 8, [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf).
- <sup>322</sup> *Ibid.*, *School Resource Officers: Law Enforcement in Schools*, 3-4 (citing Julie K. Coon and Lawrence F. Travis III, “The Role of Law Enforcement in Public School Safety: A National Survey,” *U.S. Department of Justice* (July 10, 2005): 85, <https://www.ncjrs.gov/pdffiles1/nij/grants/211676.pdf>) (Only 4 percent of respondents identified this as a reason for starting a school resource officer program).
- <sup>323</sup> *Ibid.*
- <sup>324</sup> Mallett, “The School-to-Prison Pipeline: Disproportionate Impact on Vulnerable Children and Adolescents,” 2; see also Carla Shedd, *Unequal City: Race, Schools, and Perceptions of Injustice* (New York: Russell Sage Foundation, 2015).
- <sup>325</sup> Black, *Ending Zero Tolerance: The Crisis of Absolute School Discipline*; B. Perry and E. Morris, “Suspending Progress: Collateral Consequences of Exclusionary Punishment in Schools,” *American Sociological Review* 79 (2015): 1067-087; Matthew Theriot, “The Impact of School Resource Officer Interaction on Students Feelings About School and School Police, Crime and Delinquency,” *Journal of Criminal Justice* 62 (2016): 446-469; G. Gottfredson et al., “School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools,” *Journal of Research in Crime and Delinquency* 42 (2005): 412, 433 (Finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules); Matthew J. Meyer and Peter E. Leone, “A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools, Education and the Treatment of Children,” *Education and Treatment of Children* 22 (1999): 333, 349, 352. (“more efforts to secure schools through physical means or personnel interventions, the more disorder may be present.”); Carla Shedd, *Unequal City: Race, Schools, and Perceptions of Injustice* (New York: Russell Sage Foundation, 2015).
- <sup>326</sup> Victor Rios, *Punished: Policing the Lives of Black and Latino Boys* (New York: New York University Press, 2011), 38.
- <sup>327</sup> *Ibid.*, 81.
- <sup>328</sup> Stephen Hoffman, “Zero Benefit: Estimating the Effect of Zero Tolerance Discipline on Racial Disparities in School Discipline,” *Educational Policy* 21 no. 1 (2014): 99; see also Jason Nance, “Students, Police, and the School-to-Prison-Pipeline,” *Washington University Law Review* 93 no. 4 (2016); Carla Shedd, *Unequal City: Race, Schools, and Perceptions of Injustice* (New York: Russell Sage Foundation, 2015).
- <sup>329</sup> Henry Giroux, “Class Casualties: Disappearing Youth in the Age of George W. Bush,” *Workplace* 11 (2004): 28.
- <sup>330</sup> Na and Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” 1-32.
- <sup>331</sup> Bernadine Dohrn, “‘Look Out Kid, It’s Something You Did:’ The Criminalization of Children,” in *The Public Assault on America’s Children: Poverty, Justice, and Juvenile Violence*, ed. Valerie Polakow (New York: Teachers College Press, 2001), 164.
- <sup>332</sup> Paul J. Hirschfield, “Preparing for Prison? The Criminalization of School Discipline in the USA,” *Theoretical Criminology* 12 no. 1 (2008): 83.
- <sup>333</sup> Henry Giroux, “Domestic Militarization, and the War Against Youth,” *Social Justice* 30 no. 2 (2003): 63.

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- <sup>334</sup> Henry Giroux, "Mis/Education and Zero Tolerance: Disposable Youth and the Politics of Domestic Militarization," *boundary 2* 28 no. 3 (2001): 83. For a detailed discussion of school security climates and racial implications, see Aaron Kupchik, "Homeroom Security: School Discipline in an Age of Fear," (2010); Jason P. Nance, "Students, Security, and Race," *Emory Law Journal* 63 (2013): 1.
- <sup>335</sup> Victor Rios, *Punished: Policing the Lives of Black and Latino Boys*, 84.
- <sup>336</sup> Complaint, *Boyer v. Jeremiah*, Case No. 2010-1858, Superior Court of Rhode Island (Mar. 29, 2010).
- <sup>337</sup> "ACLU Challenges Unconstitutional Practices of Rhode Island Truancy Courts," ACLU of Rhode Island, March 29, 2010, <http://www.riaclu.org/news/post/aclu-lawsuit-challenges-unconstitutional-practices-of-rhode-island-truancy>.
- <sup>338</sup> Brea Perry and Edward Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Schools," *American Sociological Review* 79 (2015): 1067-1087; "Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations," *American Psychological Association Zero Tolerance Task Force*, 854; Meyer and Leone, "A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools."
- <sup>339</sup> Matthew Theriot, "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice* 37 (2009): 281.
- <sup>340</sup> Nance, "Students, Police, and the School-to-Prison-Pipeline," 925; Gottfredson and Na, "Police Officers in Schools," 24.
- <sup>341</sup> John James Brent, "School Discipline: Punishing More Than Bodies," University of Delaware, PhD Dissertation (Spring 2015), [http://udspace.udel.edu/bitstream/handle/19716/17050/2015\\_BrentJohn\\_PhD.pdf?sequence=1](http://udspace.udel.edu/bitstream/handle/19716/17050/2015_BrentJohn_PhD.pdf?sequence=1).
- <sup>342</sup> Nance, "Students, Police, and the School-to-Prison-Pipeline," 955.
- <sup>343</sup> Vincent Schiraldi, Bruce Western, and Jason Ziedenberg, "Education and Incarceration," *Justice Policy Institute*, 2003, 7.
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