
POLICE IN SCHOOLS

ARE NOT THE ANSWER
TO SCHOOL SHOOTINGS



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Police in Schools Are Not the Answer to School Shootings

A joint issue brief of:

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FOREWORD

REAL SOLUTIONS TO SCHOOL SAFETY

Today, we are reissuing *Police in Schools are Not the Answer to the Newtown Shootings*, an issue brief that our organizations released in the wake of the shooting at Sandy Hook Elementary School in 2012. At the time, many of the responses to the shooting focused on placing more police officers and more guns in schools. Research and the experiences of countless students, teachers, and parents have taught us that while these proposals may create the appearance of safety, the actual effects wreak havoc on school culture and fuel the school-to-prison pipeline. After Newtown, we urged lawmakers at the local, state, and national level to resist policies that would turn even more schools into hostile environments where students, especially Black and Brown students, are more likely to be arrested, harassed, and assaulted by police. Five years later, in the wake of the tragic Parkland shooting, we have yet again seen calls to militarize and weaponize our schools, despite no evidence that these policies will protect our students. Our position remains the same: proposals that increase the presence of police, guns, and other law enforcement approaches to school safety should not be the response to school shootings. This foreword includes new

evidence and experiences that demonstrate why police do not belong in schools.

Police do not contribute to positive, nurturing learning environments for students. The increased presence of police officers in schools across the country discipline has been linked to increases in school-based arrests for minor misbehaviors and negative impacts on school climate.¹ In the last five years, the evidence against placing police in schools has only grown. National School Survey on Crime and Safety data show that having a School Resource Officer at a school on at least a weekly basis increases the number of students who will be involved in the justice system.² Arrest rates for disorderly conduct and low-level assault substantially increase when police are assigned to schools.³ The evidence does not suggest that police are the best way to improve school safety;⁴ rather, increasing their numbers comes at an unacceptable cost in the form of the criminalization and overincarceration of students.

Although students of color do not misbehave more than white students,⁵ they are disproportionately policed in schools:

1 See, e.g., Nance, Jason. *Students, Police, and the School-to-Prison Pipeline* (2016) University of Florida Levin College of Law, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333; Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003); American Civil Liberties Union, *Bullies in Blue: The Origins and Consequences of School Policing* (2017), available at https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf

2 Nance, Jason, *Students, Police, and the School-to-Prison Pipeline* (2016) University of Florida Levin College of Law, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333

3 Theriot, M. (2009). *School Resource Officers and the Criminalization of Student Behavior*. *Journal of Criminal Justice*, 37: 280-87, 280. Na, C. and Gottfredson, D. (2011). *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*. *Justice Quarterly*, pp 1-32.

4 Cheryl Corely, "Do Police in Schools Really Make Them Safer". NPR (March 8, 2018). Available at <https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>.

5 Skiba, Russel J., et al. *Are Black Kids Worse? Myths and Facts About Racial Differences In Behavior: A Summary of the Literature* (March 2014) Indiana University. Available at: http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf.

nationally, Black and Latinx youth made up over 58% of school-based arrests while representing only 40% of public school enrollment⁶ and Black and Brown students were more likely to attend schools that employed school resource officers (SROs), but not school counselors.⁷ Black students were more than twice as likely to be referred to law enforcement or arrested at school as their white peers.⁸ Research shows that police officers perceive Black youth differently than they do white youth, and this bias, not any actual difference in behavior, leads to the over-criminalization of students of color.⁹ Police see Black children as less “childlike” than their White peers and overestimate the age and culpability of Black children accused of an offense more than they do for white children accused of an offense.¹⁰

Police do not contribute to positive, nurturing learning environments for students.

We have also been witnesses to the assaults of Black and Brown students by police officers who have escalated normal school interactions into violent attacks with potentially deadly consequences. Unwarranted violent assaults of students by police also indicate a fundamental culture clash between law enforcement and the positive, nurturing learning environment schools aim to create. For example, an officer in South Carolina was

fired in 2015 after slamming a student to the ground;¹¹ an officer in Baltimore pled guilty to assault after he slapped, kicked, and yelled at a student while another officer watched;¹² an officer in Philadelphia was transferred pending investigation after he punched a student and put him in a chokehold after the student tried to use the restroom without a pass;¹³ video captured an officer in Pittsburgh punching out a student’s tooth;¹⁴ and in Pinellas Park, Florida, an officer is under investigation after video captured the officer using a stun gun on an unarmed student as she attempted to

flee.¹⁵ Police officers are trained to enforce a criminal justice code and too often use approaches to students that are not age-appropriate and exercise their power over students in ways that make students feel harassed and unsafe.

Allowing more guns in schools, either in the hands of officers or teachers, will also not make schools safer. In fact, research suggests that arming teachers will increase the amount of violence in schools.¹⁶ Black and Brown children, already disproportionately arrested and disciplined by police and school staff, face the highest risk of being shot. Students of color have been verbally abused and threatened by teachers, including one incident in Georgia in which a white teacher threatened to shoot a

6 2013-2014 Civil Rights Data Collection (CRDC) - A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation’s Public Schools.” U.S. Department of Education Office for Civil Rights. (June 7, 2016); Cory Turner, “Does Your School Arrest Students, NPR (January 27, 2017). Available at <https://www.npr.org/sections/ed/2017/01/27/511428075/does-your-school-arrest-students>.

7 2013-2014 Civil Rights Data Collection (CRDC) - A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation’s Public Schools.” U.S. Department of Education Office for Civil Rights. (June 7, 2016); see also <https://www.the74million.org/article/exclusive-data-shows-3-of-the-5-biggest-school-districts-hire-more-security-officers-than-counselors/>

8 2013-2014 Civil Rights Data Collection (CRDC) - A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation’s Public Schools.” U.S. Department of Education Office for Civil Rights. (June 7, 2016).

9 Goff, P.A., Jackson, et.al. The Essence of Innocence: Consequences of Dehumanizing Black Children. *Journal of Personality and Social Psychology*. (February 2014); Epstein, R. et al. *Girlhood Interrupted: The Erasure of Black Girls’ Childhood*.” Georgetown University Law Center. (2017).

10 See Goff, P.A., Jackson, et. al.; Epstein, R. et. al, *supra* note 8.

11 “Spring Valley officer Ben Fields breaks silence,” *The State* (February 6, 2017). Available at <http://www.thestate.com/news/local/crime/article131091454.html>

12 Justin Fenton, “Baltimore school police officer pleads guilty to slapping student,” *Baltimore Sun* (February 14, 2017). Available at <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-school-police-assault-plea-20170214-story.html>

13 Daniel Denvir, “I Felt Like I Was Going To Die: Philly Students Allege Police Assault Over Bathroom Visit,” *Salon* (May 12, 2016). Available at “https://www.salon.com/2016/05/12/i_felt_like_i_was_going_to_die_philly_students_allege_police_assault_over_bathroom_visit

14 Elizabeth Behrman, “More students come forward alleging abuse at Woodland Hills,” *Post Gazette* (May 2, 2017). Available at <http://www.postgazette.com/local/east/2017/05/02/Woodland-Hills-High-School-student-abuse-video-claims/stories/201705030111>.

15 Brian Newlin, “SHOCKING VIDEO: Florida officer uses stun gun on middle school student while breaking up fight,” *Click On Detroit* (May 2, 2017). Available at <https://www.clickondetroit.com/news/national/shocking-video-florida-officer-uses-stun-gun-on-middle-school-student>.

16 <https://www.brookings.edu/blog/brown-center-chalkboard/2018/02/27/there-are-ways-to-make-schools-safer-and-teachers-stronger-but-they-dont-involve-guns/>; <https://www.vox.com/policy-and-politics/2018/2/23/17041662/armed-teachers-gun-violence-mass-shootings>.

black student.¹⁷

The presence of school police may also have immigration consequences for young people and their families. Students can enter the deportation pipeline just by having contact with police in their schools. Any interaction that results in police collecting a student's information, including tickets, citations, and arrests can put a student at risk. If the student is placed in custody because of a school related incident, ICE can issue a detainer to investigate a person's immigration status. Unlike criminal arrest warrants, ICE detainers are not issued by a third party and in many cases are issued without probable cause.¹⁸ Once ICE makes an arrest, they can then determine whether to place the individual into removal proceedings. This can include not just undocumented immigrants, but lawful permanent residents¹⁹ and those with DACA.²⁰ We know that when police patrol a school, arrest rates skyrocket; immigrant students are particularly vulnerable to the consequences of those arrests.

It is not fair to our students to increase police presence instead of providing more resources, counselors, and mentors. Early identification and intervention is critical to addressing mental health and other needs. We should be placing more psychologists, therapists, counselors, social workers, and nurses at every school. These professionals are better equipped to learn about potential acts of violence, identify students with emotional or behavioral issues, and respond in appropriate ways. The effectiveness of school police officers should not be conflated with that of a school guidance counselor, social worker, student mentor, or educator. School police are sworn law enforcement officers who are almost exclusively trained and tasked with enforcing

the criminal code. They do not complete extensive coursework in youth development, receive substantive training on age-appropriate behaviors for students in each age category, nor teach students within the school setting as their primary function.²¹ The approach of school police to students is often neither trauma-centered nor responsive to the negative experience of student populations within schools.

School districts already spend millions of dollars to fund school police and security. This investment in an infrastructure of criminalization-especially in schools in Black and Brown communities-does not improve, and often takes away from, learning, support, and true safety for students. We need a complete realignment of funding and policy priorities for school districts that includes a divestment of resources from the criminalization infrastructure and an investment in teaching, counseling, and student support services.²²

When we take a step back and review what we know about safe schools, we realize that placing more police in schools may create the appearance of safety but does not actually create safe schools. We know that placing more police in schools will not work: it will not create school environments that reduce violence in our communities, catch early indicators of mental health needs, or identify root causes of underlying violence. The tragedy in Parkland must not be used as justification to enact policies that make schools less safe for students. Accordingly, we reject proposals to place more police and guns into our schools.

17 <https://www.cnn.com/videos/us/2017/11/08/teacher-threatens-student-shot-orig-mg.cnn>

18 Juvenile Detention Alternatives Initiative, "Noncitizen Youth in the Juvenile Justice System" (2014). Available at: <http://www.aecf.org/m/resourcedoc/aecf-Noncitizen-YouthintheJSystem-2014.pdf>.

19 Michelle Chen, "What Happens to Undocumented Immigrants Once They Fall Into ICE's Hands," *The Nation* (Feb. 20, 2017). Available at: <https://www.thenation.com/article/what-happens-to-undocumented-immigrants-once-they-fall-into-ices-hands/>.

20 Francisco Rodriguez, "I Have DACA, but That Didn't Stop Trump's Immigration Agents from Arresting Me," *ACLU Blog* (Apr. 1, 2017). Available at: <https://www.aclu.org/blog/speak-freely/i-have-daca-didnt-stop-trumps-immigration-agents-arresting-me>.

21 Amanda Petteruti and the Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (November 2011), available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrestfullreport.pdf>.

22. See <https://www.npr.org/sections/ed/2018/03/07/590877717/experts-say-here-s-how-to-prevent-the-next-school-shooting>.

POLICE IN SCHOOLS ARE NOT THE ANSWER TO THE NEWTOWN SHOOTING

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Introduction: What is real school safety?

On December 14, 2012, our nation was hit with the most tragic of tragedies: a shooting at a school. Our emotions ran the gamut - we were devastated, outraged, shocked, horrified, and unbelievably distressed. Coming too close on the heels of the shootings at a Sikh temple in Oak Creek, a movie theater in Aurora, and a political gathering in a supermarket parking lot in Tucson, we were stuck wondering how this could happen again. It left the country with some hard questions - what can we do to keep our children safe? How can we reduce violence in our communities? These are challenging questions with no easy answers, and these are questions we have long tried to answer.

In the wake of this most recent tragedy, our attention has appropriately turned to gun control. After every mass shooting there is a clarion call for restrictions on guns. Usually, little is done on this front. However, the spate of mass shootings and the death toll of young people in the streets of Chicago²³ and other cities, make this the moment for significant controls. And, we know we need more. The lessons from Newtown and Chicago also require that we address the root causes of this violence.

The Newtown shooting also evokes a rational focus on school safety. Ultimately, keeping our children safe is the highest priority. And, in fact, all data show that our schools remain the safest place for children. Unfortunately, some of the early reactions, rooted in the well-intentioned desire to do something swiftly to protect young people, revolved around placing more security and more guns in schools. The first of these calls came from the National Rifle Association which believes the answer is an armed officer at every school. Other proposals include increasing law enforcement in schools,²⁴ deploying the National Guard,²⁵ and arming every teacher.²⁶ These proposals satisfy our desire to appear secure. They are based on the theory that the only way to keep us safe from guns is to have more guns. The Newtown tragedy was a shooting at a school by an outsider, making it more akin to the incidents in Aurora and Tucson than past shootings at schools by students; but still, the responses to Newtown are aimed at doing more to “police” our schools. However, when we take a step back and review what we know about safe schools, we realize that these proposals go more towards creating the appearance of safety rather than towards actually creating truly safe

23 Monica Davey, In a Soaring Homicide Rate, a Divide in Chicago, New York Times, January 2, 2013, available at <http://www.nytimes.com/2013/01/03/us/a-soaring-homicide-rate-a-divide-in-chicago.html>.

24 See, e.g. National School Board Association Legal Clips, “Proposed legislation to provide state funding to Indiana schools for school resource officers,” January 8, 2012, available at <http://legalclips.nsba.org/?p=17733>

25 S. 3692, 112th Cong. (2012) (known as the Save Our Schools Act, introduced by Senator Barbara Boxer, D-Cal).

26 National Rifle Association Press Conference, December 21, 2012, <http://home.nra.org/#/nraorg/gallery/4>.

schools. Mayor Bloomberg of New York City - a district that has dealt with the consequences of police in schools for years²⁷ - recognizes how the influx of security measures can change school climate. In response to learning about the proposals about the National Guard and other measures for increased police in schools, he stated, "Oh god that is ridiculous, you can't live your life that way. **You would be in a prison.**"²⁸ Mayor Nutter of Philadelphia has also rejected these proposals as wrong-headed.²⁹

Based on a significant body of research and decades of lived experience, we know that these strategies will fail. They will do nothing to create school environments that reduce violence in our communities, catch early indicators of mental health needs, identify root causes underlying violence, or utilize the skills and resources of law enforcement in an effective way. They also fail to consider the host of unintended consequences - measured in educational, emotional, and economic costs - of placing more police in schools.

Our organizations have worked together to raise awareness about the devastating trend known as the School-To-Prison Pipeline. Specifically, too many schools are employing policies and practices of extreme discipline that push young people out of school and into the juvenile and criminal justice system. The influx of police in schools has been one of the main contributors to the growing number of children funneled into this pipeline.

Advancement Project is a next generation, multi-racial civil rights organization, founded in 1999 by a team of veteran civil rights lawyers. We have supported the growing national

movement to dismantle the School-to-Prison Pipeline for over thirteen years. Youth, parents, local groups and their organizers, other community leaders, and coalitions have been at the forefront of this movement since its inception. With our community partners, we have successfully advocated for statewide legislative reform of zero tolerance policies and practices, and worked closely with school districts to develop alternatives to criminalization.

For more than seventy years, the **NAACP Legal Defense and Educational Fund,**

Inc. (LDF) has dismantled barriers to access and opportunity and advocated for high quality, inclusive education for African Americans and other students of color. LDF coordinated the legal challenge to public school segregation, including the historic case *Brown*

v. Board of Education. LDF's "Dismantling the School to Prison Pipeline" initiative is a logical continuation of this work, addressing contemporary obstacles to access and inclusion that undermine educational opportunity. Capitalizing upon institutional expertise in both education and criminal justice, LDF staff members engage in strategic legal advocacy on school discipline issues, designed to dismantle the pipeline to prison. And its staff provides leadership in several significant national efforts to reform school discipline, including the Dignity in Schools Campaign, and the School-to-Prison Pipeline Legal Strategies Collaborative.

The Dignity in Schools Campaign (DSC) challenges the systemic problem of pushout in our nation's schools and works to dismantle the school-to-prison pipeline. As a national coalition, the DSC builds power amongst parents, youth, organizers, advocates and

Many proposals go more towards creating the appearance of safety rather than towards actually creating truly safe schools.

27 See, e.g., New York Civil Liberties Union and American Civil Liberties Union. *Criminalizing the Classroom: The Overpolicing of New York City's Public Schools* (March 2007), available at <http://www.aclu.org/racial-justice/criminalizing-classroom-over-policing-new-york-city-schools>.

28 Nightline, *Bloomberg Throws Punch at NRA, Obama* (December 21, 2012), <http://abcnews.go.com/Nightline/video/nyc-mayor-michael-bloomberg-nra-18041670>

29 Luke Johnson, *Michael Nutter: NRA Armed Guard Proposal A 'Completely Dumbass Idea*, *Huffington Post: Huff Post Politics* (December 26, 2012), http://www.huffingtonpost.com/2012/12/26/michael-nutter-nra_n_2366214.html.

educators to transform their own communities, support alternatives to a culture of zero-tolerance, punishment, criminalization and the dismantling of public schools, and fight racism and all forms of oppression. We bring together our members through direct action organizing, public policy advocacy and leadership development to fight for the human right of every young person to a quality education and to be treated with dignity.

The Alliance for Educational Justice

(AEJ) is a new national alliance of youth organizing and intergenerational groups working for educational justice. AEJ aims to bring grassroots groups together to bring about changes in federal education policy, build a national infrastructure for the education justice sector, and build the capacity of our organizations and our youth leaders to sustain and grow the progressive movement over the long haul.

There is a movement underway around the country to reduce the role of law enforcement in schools. The Council of State of Governments (CSG) Justice Center is launching a national consensus-building project that will convene experts in such fields as school safety, behavioral health, education, juvenile justice, social services, law enforcement, and child welfare. Youth, parents, and community partners will also play a critical and active role in the project to develop creative solutions. The project is administered in coordination with the Supportive School Discipline Initiative launched by Attorney General Eric Holder and Secretary of Education Arne Duncan in July 2011, and is supported by a public/private partnership that includes the Office of Juvenile

Justice and Delinquency Prevention, NoVo Foundation, The California Endowment, and The Atlantic Philanthropies.³⁰ Locally, cities and states are also taking steps to reduce law enforcement involvement in schools. For example, in the Spring of 2009, the New York City Council began implementing the Student Safety Act - a law developed by a coalition of community organizations who wanted the City to provide demographic and other data on student suspensions, expulsions, and arrests. Denver Public Schools is in the process of improving its intergovernmental agreement with the police department to ensure that the role of law enforcement in schools is limited. Community organizations have worked with officials in Los Angeles to move away from ticketing youth who were late to school and toward a non-punitive approach to attendance issues. And, in December 2012, Senator Durbin of Illinois held the first-ever Congressional hearing on the School-To-Prison Pipeline. Any proposal to place more armed personnel in school would represent a significant departure from the national trend.

Increasing police presence in our schools is not the answer to the tragedy in Newtown or to other acts of violence. We have seen increased police presence leading to high numbers of youth - particularly youth of color, students with disabilities, lesbian, gay, bisexual, transgender, and queer (LGBTQ) students, and gender non-conforming students - being arrested for minor and trivial misbehaviors. We have seen young people who are pushed out of schools by hostile and prison-like school cultures. We have seen time, energy, and resources devoted to the criminalization, not the education, of young people.³¹

30 Justice Center: Council of State Governments, <http://justicecenter.csg.org/resources/juveniles> (accessed on January 9, 2013).

31 See, e.g., Advancement Project, Alliance for Educational Justice and Gay-Straight Alliance Network, *Two Wrongs Don't Make A Right: Why Zero Tolerance is not the Solution to Bullying*, June 2012, available at http://b.3cdn.net/advancement/73b640051a1066d43d_yzm6rkffb.pdf (June 2012); Robin L. Dahlberg, *Arrested Futures: The Criminalization of School Discipline in Massachusetts Three Largest School Districts* (Spring 2012), available at http://www.aclu.org/files/assets/maarrest_reportweb.pdf; ACLU of Florida, Advancement Project, and Florida State Conference of the NAACP, *Still Haven't Shut Down the School-to-Prison Pipeline 6-8* (March 2011), available at http://b.3cdn.net/advancement/be89ef01bcb350c7fc_z5m6btbgo.pdf; Advancement Project, *Test, Punish, and Push Out: How "Zero Tolerance" and High-stakes Testing Funnel Youth into the School-to-Prison Pipeline 9-12*, (January 2010), available at http://b.3cdn.net/advancement/d05cb2181a4545db07_r2im6caqe.pdf; American Civil Liberties Union and ACLU of Connecticut, *Hard Lessons: School Resource Officers and School Based Arrests in Three Connecticut Towns* (November 2008), available at http://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf; *Criminalizing the Classroom*, supra note 5; Florida State Conference of the NAACP, Advancement Project, and NAACP Legal Defense and Educational Fund, Inc., *Arresting Development: Addressing the School Discipline Crisis in Florida* (2006), available at http://b.3cdn.net/advancement/e36d17097615e7c612_bbm6vub0w.pdf; Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track 9* (March 2005), available at http://b.3cdn.net/advancement/5351180e24cb166d02_mlbrqxlh.pdf; Advancement Project, *Derailed! The Schoolhouse to Jailhouse Track*, (May 2003), available at http://b.3cdn.net/advancement/c509d077028b4d0544_mlbrq3seg.pdf; Advancement Project and the Civil Rights Project, Harvard University, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance School Discipline 13* (July 2002) available at http://b.3cdn.net/advancement/8d91c72205a1b9d955_ujm6bhgvu.pdf.

The Newtown tragedy will be forever imprinted in our minds, and there is no simple solution to prevent these tragedies, whether at a school, a mall, a place of worship, or at a theater. This brief is not a response to the shooting in Newtown, but rather to those who are calling for more police and more guns as a result. It draws on our collective experience

and academic research to explain why police in schools are not the answer to reducing violence in our communities and classrooms, to shed light on the unintended consequences of placing more police in our schools, and to recommend what steps should be taken to ensure that all young people are safe in their schools.

I. Don't Let History Repeat Itself

This is not the first time that policymakers have been called upon to act in response to tragedies in our schools. In many Colorado schools, particularly after the tragedy at Columbine High School, the response to valid safety concerns was to add more police, security guards, metal detectors, and surveillance cameras to school. Colorado increased security and police presence in schools in an effort to make schools safer. As a result, the look and feel of many schools has been changed dramatically, becoming less welcoming and more threatening to students.³² With these changes, Colorado also saw increasing numbers of students arrested in school - mostly for minor offenses, as opposed to having weapons, which was the type of offense this approach was originally intended to address.³³ For example, between 2000 and 2004, Denver experienced a seventy-one percent increase in school referrals to law enforcement.³⁴ The majority of the referrals were for minor behaviors like use of obscenities, disruptive appearance, and destruction of non-school property. Serious conduct, like carrying a dangerous weapon to school, accounted for only 7% of the referrals.³⁵ The school district paid, in 2002-2003 and

2003-2004, over \$1.2 million annually to the Denver Police Department for police presence in schools.³⁶ Essentially, the District was paying police to respond to incidents that used to result in a call home or a trip to the principal's office. A decade after Columbine, these unintended consequences persist: between 2007 and 2012, most of the referrals to law enforcement were for detrimental behavior, drug violations, "other" violations of Code of Conduct, and disobedience/defiance - not for serious weapons or other school safety concerns.³⁷

Recognizing the harmful effects of these policies, for six years *Padres y Jóvenes Unidos*, a youth and parent organization, advocated for reforms. Finally, in 2008, working with then-Superintendent (now U.S. Senator) Michael Bennett, the group successfully secured reforms that dramatically revised the discipline code, abandoning the post-Columbine zero tolerance policies and practices in Denver Public Schools. As part of the discipline reform process, there was a specific focus on reducing police involvement in routine school discipline matters, which has led to reduced referrals in recent years.³⁸ Currently, *Padres y*

32 See *Test Punish Push Out*, *supra* note 31.

33 See *Education on Lockdown*, *supra* note 31.

34 *Id.* at 23.

35 *Id.* at 24.

36 *Id.* at 25.

37 Colorado Department of Education, 2011-2012 Safety and Discipline Indicators. Retrieved on January 9, 2013 from <http://www.cde.state.co.us/cdereval/rv2012sdiincidents.htm>.

38 Colorado Department of Education, 2011-2012 Safety and Discipline Indicators. Retrieved on January 9, 2013 from <http://www.cde.state.co.us/cdereval/rv2012sdiincidents.htm>.

Jóvenes Unidos is helping to put into place a new intergovernmental agreement to even more effectively limit and redirect the role of police in their schools. As a result, Denver's police already have an appropriately limited role in the schools and the District is on its way to making a greater impact in reducing school-based arrests and racial disparities in those arrests.

The huge increase in police presence in schools is not limited to Colorado. Over the last two decades, and particularly post-Columbine, police in schools and zero tolerance policies proliferated throughout the country. This phenomenon is the result of our reaction to incidents of highly publicized juvenile crimes and the perception that our schools were getting more violent - not because schools were actually more dangerous.³⁹ As a result police presence in our schools has dramatically increased. According to the U.S. Department of Justice, the number of school resource officers increased 38% between 1997 and 2007.⁴⁰ The regular presence of school security guards increased 27% between 1999 and 2007.⁴¹ The New York City Department of Education (NYC DOE), for example, turned control of school security over to the New York Police Department in 1998.⁴² All school security is under direct control of the NYPD and school officials have limited authority when law enforcement intervenes in student behavioral incidents. As a result, the distinction between school safety and school discipline has been blurred. The NYC DOE also implemented the Impact Schools policy, which created funds for increased police presence, metal detectors, and security cameras in schools that were

poorly resourced.⁴³ Despite the fact that the Columbine shooting took place in a suburban and majority white school, the post-Columbine security measures - and the resulting unintended consequences - were most keenly felt in urban areas with a high percentage of students of color, many of whom live in concentrated poverty. These areas were also home to schools and communities who have been historically underfunded, criminalized, politically underrepresented, and socially outcast.

Almost fifteen years after Columbine, Colorado has begun to revise its position on school safety. New statewide legislation, widely supported by the legislature, school officials, parents, and students, recognizes that the right approach to keeping schools safe is keeping youth in school and out of the juvenile and criminal justice systems.⁴⁴ Perhaps best stated by Sen. Linda Newell - the legislation's sponsor from Littleton, CO, where Columbine High School is located - "As a result of our zero tolerance policies, nearly 100,000 students have been referred to law enforcement over the past decade, and who benefits from that? ... We will soon see more children walking out of school with a diploma not a criminal record."⁴⁵

We have seen what happens when we ramp up police presence and other security measures in response to a shooting or other violent act. In Colorado, it resulted in more students getting arrested for minor misbehaviors, more students being pushed out of school, and a declining sense of safety in schools. These unintended consequences are persistent and pervasive - despite efforts by parents, students, and the school district, the high arrest rates and racial

39 See National Center for Education Statistics, Indicators of School Crime and Safety 2011, Table 2.1: Number of student-reported non-fatal crimes ages 12-18 and rates of crime per 1,000 by location, type of crime, and year, 1992 - 2010. <http://bjs.ojp.usdoj.gov/content/pub/pdf/iscs11.pdf> (accessed on January 9, 2013). The total rate of self-reported school-based offenses per 1,000 students fell approximately 79% between 1992 and 2010.

40 Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics. "Local Police Departments, 2007, 28, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/lpd07.pdf>. See also Amanda Petteruti and the Justice Policy Institute, Education Under Arrest: The Case Against Police in Schools (November 2011) at 1, available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrestfullreport.pdf>.

41 Petteruti, supra note 40 at 6.

42 Criminalizing the Classroom, supra note 31 at 8.

43 Id. at 9.

44 Senate Committee Passes Bipartisan Bill by Senators Newell and Hudak to Ensure Student Safety and Success Today, March 1, 2012, available at <http://coloradosenate.org/home/features/senate-committee-passes-bipartisan-bill-by-senators-newell-and-hudak-to-ensure-student-safety-and-success-today>. ("The resulting Fair Discipline in Schools Act asks schools to develop school discipline policies that: utilize prevention, intervention, restorative justice, peer mediation, counseling, and other constructive disciplinary approaches; determine which violations of the code require a referral to law enforcement and which are better handled within the school; and protect students from harm while dealing with misbehavior in a way that provides opportunities for them to learn from their mistakes.")

45 Id.

disparities that resulted from increased police presence and zero tolerance policies still exist.

We should learn from the policy choices made by the Colorado legislators and school officials - not repeat them. The lessons from Colorado and elsewhere reveal the dangers of misplaced priorities. Increasing police presence in schools is simply not the answer. When school officials implement policies that create prison-like atmospheres in schools, they provide false hope and miss crucial opportunities to promote a safe and healthy environment. Every dollar that goes into police, metal detectors, and surveillance cameras is a dollar that could have been used for teachers, guidance counselors, school psychologists,

and program supports for young people. And yet, despite investing in heavy police presence in our schools in the last decade, there is no clear positive correlation between police in schools and student safety.⁴⁶ The American Psychological Association has found that zero tolerance and other harsh disciplinary approaches do not improve school safety.⁴⁷ And further research shows that excessive and inappropriate reliance on school-based law enforcement officers can actually promote disorder and distrust in schools.⁴⁸ Far from making students feel safe, this trend has led to increased student anxiety, and led to increasing numbers of students ending up in prison instead of on a college or career path.⁴⁹

46 Justice Policy Institute. *Measured Responses: Why increasing law enforcement in schools is not an effective public safety response to the Newtown tragedy*. (December 2012), available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/schoolsafetyfactsheet.pdf>.

47 Russell Skiba et al, *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force* (2006), available at <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.

48 A recent meta-analysis of 178 individual studies assessing the effectiveness of different school-based disciplinary interventions determined that the use of police to handle school disorder does not reduce the occurrence of problem behavior in schools. Philip J. Cook, Denise C. Gottfredson & Chongmin Na, *School Crime Control and Prevention*, 39 *Crime & Just.* 313, 372 (2010). Indeed, relying on police to address student behavior may hinder efforts to maintain order on school property. Highly-restrictive efforts to control students by involving police in school disciplinary matters cause higher levels of school disorder by diminishing students' belief in the legitimacy of school staff authority. Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 352 (1999). Aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment and create an adversarial relationship between school officials and students. Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003). Because students often perceive school police practices as fundamentally unfair, the actions of school police can serve to trigger, not curb, misbehavior. Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* 53 (2011). Fostering such restrictive environments may lead to violence, thus jeopardizing, instead of promoting, school safety. Meyer and Leone, *supra* at 349; see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* 412, 433 (2005) (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

49 See e.g., *Test, Punish, Push Out*, *supra* note 31.

II. Unintended Consequences: What is the Real Result of Police in Schools?

Placing more police in schools has significant and harmful unintended consequences for young people that must be considered before agreeing to any proposal that would increase the presence of law enforcement in schools. Around the country, we see rampant use of school-based law enforcement to respond to typical childhood behavior that does not threaten the safety of others. For example:

- In May 2012, an honors student in Houston, Texas was forced to spend a night in jail when she missed class to go to work to support her family.
- In April 2012, a kindergartener from Milledgeville, GA was handcuffed and arrested for throwing a tantrum.
- In 2007, a thirteen-year old from New York was handcuffed and removed from school for writing the word “okay” on her school desk.
- In 2008, in Chicago, a middle school student was arrested just for walking past a fight that broke out after school. The student recognized that the arrest changed her entire school experience. “Even though I had good grades, my teachers treated me differently after that. They saw me as someone who got into fights and got arrested. They didn’t want to let me graduate, eat lunch with my class, or go on our class trip even though I hadn’t done anything. It showed me that the world wasn’t fair.”⁵⁰
- In 2008, a student at a Florida school was arrested after authorities said he was “passing gas”. According to a report released by the Martin County Sheriff’s Office, the 13-year-old boy “continually disrupted his classroom environment” by intentionally breaking wind.⁵¹
- In Los Angeles, CA, the police hand out tickets to students - many under the age of fourteen - for being late to school.⁵²

These examples are indicative of a more systemic problem.⁵³ The use of law enforcement in schools in Florida, for example, has resulted in 16,377 referrals of students directly to the juvenile justice system during the 2010-2011 school year - an incredible average of 45 students per day.⁵⁴ Statewide, two-thirds of the school-based referrals were for misdemeanors.⁵⁵ The crimes? Disruption of a school function, disorderly conduct, and minor school-yard fights.⁵⁶ These data, along with qualitative data, indicate that two-thirds of the arrests were unnecessary and that schools were routinely using police to respond to minor misbehaviors, some of which did not even constitute infractions of student discipline codes. In Los Angeles, between 2004-2009, 47,000 tickets were issued by the Los Angeles Police Department and the Los Angeles School Police Department (LASPD) for truancy alone. An additional 37,500 tickets were issued and arrests were made by just LASPD between 2009 and 2011 for all types of school incidents including, for example, truancy, disturbing the peace, vandalism

50 Voices of Youth in Chicago Education. The Time for Justice is Always Now: VOYCE Annual Report 2011-2012 5, available at [http://library.constantcontact.com/download/get/file/1104628315334-75/VOYCE+2012+report2+\(1\)+\(1\).pdf](http://library.constantcontact.com/download/get/file/1104628315334-75/VOYCE+2012+report2+(1)+(1).pdf).

51 13-Year-Old Student Arrested For “Passing Gas” In School, The Huffington Post (NOV. 24, 2008), http://www.huffingtonpost.com/2008/11/24/13-year-old-student-arres_n_146222.html (accessed on January 10, 2013).

52 The Center for Public Integrity, Los Angeles school police still ticketing thousands of students, available at <http://www.publicintegrity.org/2012/12/27/11984/los-angeles-school-police-still-ticketing-thousands-young-students>.

53 See supra note 31 for citations to multiple reports documenting this phenomenon.

54 Florida Department of Juvenile Justice, Delinquency in Florida’s Schools: A Seven Year Study 3 (November 2011) available at <http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0>.

55 Id. at 8-9.

56 Still Haven’t Shut Down the School-to-Prison Pipeline, supra note 31 at 6-8.

and petty theft.⁵⁷ In Delaware, during the 2010-2011 school year, approximately 90% of school arrests were for misdemeanors.⁵⁸ In Pennsylvania, from 1999-2007, school-based arrests almost tripled.⁵⁹ In North Carolina, there were over 16,000 school-based referrals to the juvenile justice system in 2008-2009.⁶⁰ In 2007-2008 in Baltimore City Public Schools, there were 1,699 arrests and referrals to law enforcement.⁶¹ Arrests are happening across all ages: in Hartford, Connecticut, for example, 86 primary grade students were arrested, 25 of who were in fourth, fifth, or sixth grade, and 13 who were grade three or below.⁶²

Young people of color are disproportionately burdened by this trend. This happens on both the individual school and district levels, and on a systemic level. For example, in Delaware in 2010-2011, Black students were three and half times more likely to be arrested in school than White students.⁶³ In 2007-2008 in Philadelphia, a Black student was three and a half more times likely, and a Latino student one and a half times more likely, to be taken into custody from school than a White student.⁶⁴ Black students make up only 21% of the youth in Florida, but were the subject of 46% of all 2011 school-related referrals to law enforcement.⁶⁵ In East Hartford, Connecticut in the 2006-2007 school year, Black and Latino students were 69% of the population, but experienced 85% of school based arrests.⁶⁶ In West Hartford, Connecticut, Black and Latino students made up 24% of the population, but experienced

63% of the arrests.⁶⁷ In addition to disparities in individuals schools or districts, across the country schools with large populations of students of color are more likely to rely on zero tolerance policies and have a significant police presence in school.⁶⁸ As a result, it is not uncommon for the same behavior that triggers little to no response in many predominately White communities to result in severe consequences in communities of color. Stories from the ground indicate that the same disparities exist in arrest rates and interactions with law enforcement for students with disabilities and LGBTQ and gender non-conforming students.⁷⁰

It is important to recognize that the increased rates of arrest are not a result of students behaving “more badly.” Instead, they appear to be a direct result of placing police in the schools. A three-year study of numerous schools in the same district with differing police presence found that the schools with police had nearly five times the number of arrests for disorderly conduct as schools without a police presence.⁷¹ In Massachusetts, a study highlighted three demographically similar school districts: one with armed police stationed in schools, one with police assigned to schools on a rotating or as needed basis, and one without police in schools. Springfield, the district with the on-site police department, had a significantly higher arrest rate than the other two.⁷²

57 Data is compiled from records requests submitted to the LAPD and LASPD and is on file with Community Rights Campaign, <http://www.thestrategycenter.org/project/community-rights-campaign>.

58 Chief Judge Chandlee Johnson Kuhn, Family Court of the State of Delaware and Kerrin C. Wolf, Doctoral Candidate, School of Public Policy and Administration, University of Delaware, *Fightin' and Fussin': An Examination of School Arrests, Adjudications, and Dispositions in Delaware* (presentation on file with the authors).

59 Test, Punish, Push Out, *supra* note 31 at 18.

60 *Id.*

61 *Id.*

62 Hard Lessons, *supra* note 31 at 10.

63 *Fightin' and Fussin'*, *supra* note 58.

64 Youth United for Change & Advancement Project. *Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison 9* (January 2011) available at http://b3cdn.net/advancement/68a6ec942d603a5d27_rim6ynnir.pdf.

65 Florida Department of Juvenile Justice, *Delinquency in Florida's Schools: A Seven Year Study 3* (November 2011) available at <http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0>.

66 Hard Lessons, *supra* note 31 at 9.

67 *Id.* at 10.

68 See Jeremy D. Finn and Timothy J. Servoss, *Misbehavior, Suspensions, and Security Measures in High School: Racial/Ethnic and Gender Differences* (2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013) (finding students of color were disproportionately enrolled in schools with high degrees of security including presence of police or security guards during school hours).

69 Test, Punish, Push Out, *supra* note 31 at 15.

70 See, e.g. *Two Wrongs Don't Make a Right*, *supra* note 31; *Education Under Arrest*, *supra* note 40.

71 *Education Under Arrest*, *supra* note 40 at 15 (discussing Matthew Theriot's "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice* 37 (2009), 280-287).

72 *Arrested Futures*, *supra* note 31 at 6.

There are significant harms to young people attending schools that over-police. Research shows that a first-time arrest doubles the odds that a student will drop out of high school, and a first-time court appearance quadruples the odds.⁷³ The American Psychological Association, CSG, and the Center for Disease Control and Prevention have all found that extreme discipline, including arrests, predict grade retention, school dropout, and future involvement in the juvenile and criminal justice systems.⁷⁴ As a result, students face lasting consequences, not only in the justice system, but also when applying for college, the military, or a job.⁷⁵

Rather than making students feel safer, placing police in schools often creates a hostile environment that breeds distrust. For example, nationwide increases in school security and police presence in the wake of the Columbine tragedy have also led to increased use of metal detectors, surveillance cameras, pat-downs, drug-sniffing dogs, and tasers.⁷⁶ As students in Philadelphia explained, these approaches create “a hostile environment. It makes it seem as though they expect us to be negative. I feel violated. I shouldn’t have to go through a metal detector . . . and upon entering [a particular school for the first time] I had to take off my shoes and they searched me like I was a real criminal. . . [after that] I was making up every excuse not to go to school.”⁷⁷

As recent Chicago public high school graduate Edward Ward testified before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights last month,

From the moment we stepped through the doors in the morning, we were faced with metal detectors, x-ray machines and uniformed security. Upon entering the school, it was like we stepped into a prison . . . My school’s environment was very tense; the halls were full with school security officers whose only purpose seemed to be to serve students with detentions or suspensions. Many of the school security officers were very disrespectful to students; some of them spoke to us as if we were animals. They were constantly yelling and antagonizing us from the moment we stepped into the halls until we reached our destination. This was nerve-wracking for me, because although I was an honor student, I felt constantly in a state of alert, afraid to make even the smallest mistake or create a noise that could enable the security officers to serve me with a detention. Instead of feeling like I could trust them, I felt I couldn’t go to them for general security issues because I would first be interrogated before anything would get done.⁷⁸

These views echo those of students nationwide. Research shows that aggressive security measures produce alienation and mistrust among students which, in turn, can disrupt the learning environment.⁷⁹ Such restrictive environments may actually lead to violence, thus jeopardizing, instead of promoting, school safety.⁸⁰ For example, of the students surveyed in one school in Palm Beach County, a school district that has its own

73 Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473-477 (2006).

74 See, Skiba, *supra* note 47; Tony Fabelo et al., *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (2011); Centers for Disease Control, *Health Risk Behaviors among Adolescents Who Do and Do Not Attend School - United States, 1992*, 43 *Morbidity and Mortality Weekly Report*, 129 (Mar. 4, 1994). See also Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (Dec. 2012) (Paper prepared for the Closing the School Discipline Gap: Research to Practice national conference in Washington, D.C., Jan. 10, 2013)(finding that students who were suspended even one time in ninth grade doubles their chance dropping out of school).

75 With respect to college access, see Marsha Weissman et al., *The Use of Criminal History Records in College Admissions* (2010) available at: <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>.

76 See, e.g. *Derailed! The Schoolhouse to Jailhouse Track*, *supra* note 31.

77 *Zero Tolerance in Philadelphia*, *supra* note 64 at 14.

78 *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary, 112th Cong. 2* (statement of Edward Ward).

79 Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003).

80 Matthew J. Meyer and Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 352 (1999); see Gary Gottfredson et al., *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *Journal of Research in Crime and Delinquency* 412, 433 (2005), available at www.joannmaher.com/my_documents/courses_hs_english_012/unit_2/sidcra/resources/schoolclimatepredictors.pdf (finding students rate their schools higher on scales of student delinquency and victimization when they report unfair implementation of arbitrary rules).

police department, only 35 percent said they felt protected, while 65 percent said that they felt “something other than protected, including intimidated and harassed.”⁸¹

Students across the country face daily encounters with law enforcement at their schools that are degrading, demoralizing, and done in violation of their constitutional rights. In Philadelphia, a young female high school student spoke to the gross misconduct she routinely experienced at the hands of security guards when searching for cellphones, not weapons:

When security guards searched me in school for my cell phone the usual routine is for them to pat me on my chest and rub their hand down my cleavage. Then they make us lift and shake our bras out. Also, they would run their hands down from our waist to our ankles. Next they turn us around and pat our back pockets. At the very end they use the wand to search us thoroughly.⁸²

When students experience such treatment at the hands of school police, a fundamental trust is broken and the learning environment is damaged for students and teachers alike. Highly-restrictive efforts to control students by involving police in school disciplinary matters cause higher levels of school disorder.⁸³

Furthermore, placing police in schools can undermine both educators’ authority and the relationships between students and educators that are essential to successful schools. There is no uniform approach to determining the role of police in schools, and the line between matters of school safety and those that amount to school *discipline* is sometimes nonexistent.⁸⁴ Some law enforcement officers report that school principals do not have a clear understanding of criminal law and expect officers to adopt

their perspectives on individual students.⁸⁵ Meanwhile, law enforcement officers often lack training in working with young people and are not prepared to de-escalate, resolve conflict, or respond in developmentally appropriate manners.⁸⁶ This lack of preparedness and understanding on the part of both educators and officers is incredibly damaging to a school community. Where educators have intervened in police/student contact (as the example below illustrates) even they have been subjected to unfortunate police tactics. As stated in a complaint filed by the New York Civil Liberties Union challenging the practices of New York City’s School Safety Division,

[O]n October 9, 2007, a student at East Side Community High School in Manhattan, who was trying to enter school early to catch up on schoolwork, became involved in an altercation with a School Safety Officer who refused her entry. The School Safety Officer decided to arrest the student and parade her in handcuffs out of the school’s main entrance in front of other students who were gathering to enter the building to start the school day. The school principal, concerned that such a display would be disruptive to other students and unnecessarily degrading to the arrested girl, argued that the School Safety Officer should escort the girl out of the building through a side door rather than the front door.

Amended Complaint at ¶¶ 42-43, B.H., et al. v. City of New York, et al. (E.D.N.Y. June 11, 2010) (No. 10-cv-0210). In response to the principal’s effort to intervene, the School Safety Officer arrested the principal and charged him with obstruction and resisting arrest. Ultimately, the judge who heard the charges against the principal dismissed them, observing: “Unfortunately, this incident highlights the

81 Education on Lockdown, supra note 31 at 39.

82 Zero Tolerance in Philadelphia, supra note 64 at 12.

83 See Meyer & Leone, supra note 80 at 352.

84 Johanna Wald and Lisa Thureau, First, Do No Harm 5 (2010).

85 Id. at 8.

86 Id. at 7.

tension between school administrators and the NYPD concerning a principal's authority in overseeing school premises. Further, this incident highlights the need to exercise sensitivity in effectuating student arrests." Amended Complaint at ¶ 43.

These experiences can breed widespread resentment, distrust, and hostility among youth, directed at the very people charged with keeping them safe. In many cases, these young people may resent being treated as criminals; may lose faith in the goodwill of police when they believe they are being treated unfairly; and may become antagonistic toward law enforcement in response.⁸⁷ Problems like these cannot simply be solved by more training for police. Indeed, it is the very involvement of police in school discipline that disrupts the learning environment by diminishing students' belief in the legitimacy of school staff authority and by creating an adversarial relationship between school officials and students.⁸⁸

In addition, placing more law enforcement in schools distracts them from their role of ensuring safety in our schools and in our communities. Redirecting police resources to schools means that police officers spend more time as school disciplinarians and dedicate less time to ensuring the safety of students and the community. As the International Association of Chiefs of Police noted, "the deployment of at least 1 officer to each of the roughly 100,000 schools in this nation would result in the reassignment of nearly 1/7th of American law enforcement officers."⁸⁹ Law enforcement should be allowed to concentrate their efforts on preventing, investigating, and responding to crime where it is occurring. The majority of violent crimes against youth take place outside of school. The Bureau of Justice Statistics' Indicators of School Crime and Safety indicate that, in 2010, only a

small fraction of all youth homicides occur in school,⁹⁰ and only a small fraction of youth deaths are the result of homicides that occur in school.⁹¹ However, instead of having law enforcement personnel devote their energies to what they were trained to do, which is to address serious criminal behaviors that erode public safety and public health, they are placed in schools where they tend to spend valuable time on minor or even trivial offenses. This compromises, rather than enhances public safety, because time that could be spent addressing the complex challenges associated with serious crimes is instead spent responding to school behaviors.

The consequences of placing police in school are incredibly high - particularly for youth of color, students with disabilities, gender non-conforming students, and LGBTQ youth. The decision to place more police in school must balance the valid need for school security with the risks and drawbacks of having law enforcement in our schools. Here, the costs are high and the gains are minimal: there is no clear correlation between police in schools and student safety, and placing more police in schools clearly harms the relationships between youth and adults, increases the likelihood that students will be arrested for age-appropriate behaviors, and fails to address the root causes of violence. The proposals to increase the police presence in schools following Sandy Hook is counterintuitive and goes against everything that we know about the best way to ensure that youth are in school communities that are supportive, safe, and effective.

87 See Jeffrey Fagan & Tom Tyler. *Legal Socialization of Children and Adults*, 24 *Social Justice Research* 241-247 (2005).

88 See Meyer & Leone, *supra* note 80 at 352; Randall R. Beger, *supra* note 79 at 340.

89 Press Release, International Association of Chiefs of Police, Statement of IACP President Craig Steckler on Proposal to Place Armed Police Officers in All Schools (Dec. 21, 2012)(on file with authors).

90 Zero Tolerance in Philadelphia, *supra* note 64 at 12.

91 See Meyer & Leone, *supra* note 80 at 352.

III. Creating Truly Safe Schools & Reducing Violence

Increased security measures at school, such as metal detectors, surveillance cameras, entry check points, and police presence, are unlikely to prevent all school-related shootings. Research has found that the relationships between students, parents, and staff are more important in making a school safe than increased security measures.⁹² We must focus on long-term solutions that will reduce violence and nurture young people by addressing root causes and giving them the support and resources they need. Creating truly safe schools - instead of creating the appearance of safe schools

- means taking steps to ensure a positive school climate that is focused on fostering connectedness and communication, and on promoting practices that have proven to be effective, like non-violent conflict resolution and restorative justice.

America's top researchers on school safety have issued a statement on the Newtown tragedy. They remind us that students are safest in schools where they feel connected to their educators and their peers; where youth trust adults enough to share the problems they face (be it conflict, depression, bullying, or other issues) and any fears they may have about safety.⁹³ As the researchers note, federal law enforcement agencies such as the FBI, U.S. Secret Service, and others have shown us that the best way to prevent many acts of violence targeted at schools is by "maintaining close communication and trust with students and

others in the community."⁹⁴

In the short term, we should support schools in creating school safety and security plans, in training students and adults to follow those plans, and having relevant professional development for all school personnel.

In the long-term, supporting and incentivizing conflict resolution programs in school are key elements of making schools safer. Conflict resolution programs teach how to "effectively and peaceably" handle conflict by both addressing the theory behind

conflict resolution and by putting into place a process for students and adults to resolve problems.⁹⁵ Restorative justice is an approach that focuses on the needs of victims, offenders, and the community by encouraging offenders to take responsibility for their

We must focus on long-term solutions that will reduce violence and nurture young people by addressing root causes.

actions and repair the harm done in some way. The direct victims, and any other affected community members, take an active role in the process. In practice, restorative justice often takes the form of restorative circles and restorative conferences where the community comes together to explore how each person has been affected by the offense.⁹⁶ The International Institute for Restorative Practices found that schools using restorative justice had decreased incidents of violence, assault, and disorderly conduct in their schools.⁹⁷ These programs, and other similar evidence-based programs, invest in creating healthy and safe schools and communities.

92 See, e.g., Matthew Steinberg, Elaine Allensworth and David W. Johnson, Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization (May 2001), available at <http://ccsr.uchicago.edu/sites/default/files/publications/SAFETY%20IN%20CPS.pdf>.

93 Dewey G. Cornell et al, A Call for More Effective Prevention of Violence (Dec. 19 2012), available at <http://curry.virginia.edu/articles/sandyhookshooting>.

94 Id. See also United States Secret Service and United States Department of Education, The Final Report and Findings of the Safe Schools Initiative: Implications for the Prevention of School Attacks in the United States (May 2002), available at http://www.secretservice.gov/ntac/ssi_final_report.pdf.

95 Nadine E. Gardner, Conflict Resolution Programs in the Schools, American Counseling Association Professional Counseling Digest (2008), available at <http://counseling-outfitters.com/vistas/ACAPCD/ACAPCD-19.pdf>.

96 See, e.g., International Institute for Restorative Practices, <http://www.iirp.edu/what-is-restorative-practices.php> (accessed on January 9, 2013).

97 International Institute for Restorative Practices, Improving School Climate: Findings from Schools Implementing Restorative Practices (2009), available at www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf.

In order to support policies and practices that create safe and effective school communities, we urge the following:

1 Do not place more police officers or armed personnel in schools.

We strongly oppose the calls for arming school teachers, principals, and others in the school building. Similarly, we object to using the limited resources of the federal government to expand the presence of police in schools. More specifically, we oppose the legislation offered late last Congress by Senator Barbara Boxer to facilitate the installation of National Guard troops in U.S. schools (S. 3692). We cannot support any such actions that have not been shown to make schools safer and instead can lead to terrifying, fatal mistakes.

A plan to increase the presence of police may also undermine the work of both the Office for Civil Rights and the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice. During the Obama Administration, these agencies have endeavored to dismantle the School-To-Prison Pipeline, including by challenging police practices in schools. In October 2012, the United States Department of Justice filed suit against the city of Meridian, the County of Lauderdale, two youth court judges, the State of Mississippi, and two state agencies for operating a school-to-prison pipeline.⁹⁸ The complaint alleges that these actors are “engag[ing] in a pattern or practice of unlawful conduct through which they routinely and systematically arrest and incarcerate children, including for minor school rule infractions, without even the most basic procedural safeguards, and in violation of these children’s constitutional rights.”⁹⁹

2 Provide increased support for best practices in improving school communication and connectedness.

We support the teaching of Social and Emotional Learning practices such as Restorative Justice and Positive Behavior Intervention and Supports. These frameworks enable students to develop a stronger sense of empathy and compassion for each other, as well as their teachers; help get to root causes of misbehavior and/or conflict; and will lessen the chances that students who have serious “problems” will be ignored, thereby improving their chances of getting the support and understanding needed to bring them back into the school community. The Restorative Justice in Schools Act (H.R. 415, Cohen) and the Positive Behavior for Safe and Effective Schools Act (H.R. 3165, Davis/Platts) both direct federal support for training schools and teachers in these best practices. The Successful, Safe, and Healthy Students Act (S. 919, Harkin) would use school data on bullying, harassment, and discipline to target support for implementing these best practices as well.

3 Support the development of comprehensive local or regional strategies to improve student safety while reducing the number of youth entering the justice system.

Congress and the administration should promote expanded educational opportunities for our nation’s youth by funding grant programs to support community-based

⁹⁸ The defendants in the DOJ’s suit are the city of Meridian, the county of Lauderdale, two youth court judges in Lauderdale County, the State of Mississippi, the Mississippi Department of Human Services, and the Mississippi Division of Youth Services. Complaint filed in U.S. District Court Southern District of Mississippi (Oct. 24, 2012), Case: 4:12-cv-00168-HTW-LRA, United States of America v. City of Meridian, et. al., available at http://www.justice.gov/crt/about/spl/documents/meridian_complaint_10-24-12.pdf.

⁹⁹ Id. at 1.

solutions. Funds should go toward the development and implementation of multi-year, comprehensive local or regional plans to reduce the use of exclusionary discipline and the number of youth entering the juvenile and criminal justice systems.

4 Place meaningful restrictions on federal grants for school policing.

The Community Oriented Policing Service's (COPS) "Secure our Schools" grants funded by the U.S. Department of Justice is the primary source for federal funding of school police efforts. We firmly believe that any proposals for additional appropriations for these grants would be far better spent by supporting the placement of counselors, social workers, and mental health services therein, not by placing more police in schools.

CONCLUSION

The news reports about the Newtown tragedy showed us an incredibly tight-knit school community - one in which parents felt that the school was an extension of their home, and teachers an extension of their families. The events at Newtown call on all of us, as parents, students, teachers, and community, to find ways to restore and safeguard the trust that makes school communities like Newtown's so special. Our children need to learn, grow, and thrive in places where they feel safe, loved, encouraged, and welcomed. In times like these, all of our thoughts turn to finding any way to make our children safer and we react with our hearts, rather than our heads. This is completely understandable, but we must approach this question deliberately, not reactively, and we must respond using research and evidence-based practices, not just emotion. Where Congress and the Administration work to address school safety in the aftermath of this tragedy, it must be in a manner that helps restore such trust - not one that promotes fear and undermines the sense of connectedness that ultimately keeps us all safe.