



October 11, 2018

Via Hand Delivery and Electronic Mail (schoolboard@bcps.k12.md.us)

Ms. Cheryl A. Casciani, Board Chair
Baltimore City Board of School Commissioners
200 E. North Avenue, Room 406
Baltimore, Maryland 21202

RE: Written testimony in opposition to Baltimore City Board of School Commissioners' potential legislative efforts to allow school police to carry firearms during school hours

Dear Ms. Casciani:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we appreciate the opportunity to submit written testimony for today's Baltimore City Board of School Commissioners' (the Board) public hearing. During the hearing, the Board will solicit feedback on the question of whether it should engage in legislative advocacy to change state law that prohibits Baltimore school police from carrying firearms on school grounds during school hours. We oppose any efforts by the Board to repeal this statutory prohibition and urge the Board and Baltimore City Public Schools (BCPS) to continue to focus human and financial resources on improving school climates through initiatives and programs that effectively provide for safe school environments that promote student learning.

Maryland state law provides that Baltimore school police officers who are assigned to schools or are on school property may only carry firearms at their assigned school outside of regular school hours.¹ BCPS General Order 10-10 reiterates this legal requirement by stating that officers must secure their service weapons in a secure location during regular school hours "unless and until a legal and necessary ground requires the officer to retain possession and control of the firearm."²

Lifting this prohibition on school police carrying weapons in school would not make students safer. In fact, increasing the availability of weapons in schools is more likely to create gun violence than to resolve or prevent violence. Research consistently shows that the

¹ MD. CODE ANN., EDUC. § 4-318(d)(3)(i).

²BCPS General Order 10-10, Section C-3, available at https://www.baltimorecityschools.org/cms/lib/MD01001351/Centricity/domain/8818/2018/10-10_Firearms.pdf.

presence of guns is correlated with a higher risk of violence, homicide, and suicide.³ There have been news reports of multiple incidents of armed school police officers and related personnel accidentally misplacing and firing weapons, sometimes resulting in injuries, as follows:

- In March 2018, an instructor and reserve police officer in California accidentally shot the ceiling and falling debris hurt a student;⁴
- In the same month, a school resource officer accidentally discharged his weapon inside a middle school in Virginia;⁵
- In Michigan in 2016, a school resource officer's gun discharged and hit a teacher in the neck;⁶
- In May 2018, a school resource officer in Missoula, Montana, accidentally fired a weapon during a training exercise for officers and school staff.⁷ In September 2018, the same officer allegedly left her duty weapon in a school bathroom.⁸

Allowing officers to carry guns in schools may especially endanger Black children because the judgment of the very people charged with keeping them safe is often clouded by the implicit, and sometimes explicit,⁹ bias that is endemic in our society. Research consistently shows that, even for individuals with good intentions, negative stereotypes about

³ See, e.g., Matthew Miller, et al., *State-level homicide victimization rates in the US in relation to survey measures of household firearm ownership, 2001-2003*, SOC. SCI. & MED., Feb. 2007, available at <https://www.sciencedirect.com/science/article/pii/S0277953606004898?via%3Dihub>.

⁴ Nicole Chavez, *Teacher accidentally fires gun and injures student during safety lesson*, CNN, Mar. 15, 2018, <https://www.cnn.com/2018/03/14/us/california-teacher-fires-gun/index.html>.

⁵ Emily Stewart, *2 "good guys with guns" accidentally fired them in schools on Tuesday*, VOX, Mar. 14, 2018, <https://www.vox.com/2018/3/14/17120046/school-shooting-accidental-california-virginia-gun-control>.

⁶ Brianna Owczarzak, *Police: Firearm discharged at high school, hit teacher in neck*, WNEM, Nov. 11, 2016, <http://www.wnem.com/story/33691674/police-firearm-discharged-at-high-school>.

⁷ Dillon Kato, *Missoula school resource deputy accidentally fired gun during active resistance training exercise*, MISSOULIAN, Jun. 1, 2018, https://missoulian.com/news/local/missoula-school-resource-deputy-accidentally-fired-gun-during-active-resistance/article_4bd3a22f-e388-5a95-9e7f-8e5527320bc2.html.

⁸ Seaborn Larson, *Missoula sheriff's deputy on leave after allegedly leaving gun in school's faculty bathroom*, MISSOULIAN, Sep. 17, 2018, https://missoulian.com/news/local/missoula-sheriff-s-deputy-on-leave-after-allegedly-leaving-gun/article_7ebcad1c-2409-5819-b632-1eacf9fca319.html.

⁹ See, e.g., Matt Stevens, *Florida Teacher Says Her Racist Podcast Was 'Satire'*, N.Y. TIMES, Mar. 7, 2018, available at <https://www.nytimes.com/2018/03/07/us/florida-teacher-racism.html>; WFLA Web Staff, *Florida teacher used n-word, told students dating black people was 'not worth it,' district says*, WFLA, Mar. 10, 2018, available at <http://wfla.com/2018/03/10/florida-teacher-used-n-word-told-students-dating-black-people-was-not-worth-it-district-says/>; *Florida teacher put on probation for telling racist jokes in classroom*, THE GRIO, Oct. 27, 2016, available at <https://thegrio.com/2016/10/27/florida-teacher-racist-jokes/>.

race can affect split-second decisions such as the decision to discharge a weapon.¹⁰ When research subjects were forced to make a split-second decision about whether an individual had a gun, they were more likely to inaccurately believe they saw a gun when the individual was Black.¹¹ Similarly, when research subjects were faced with a split-second decision about whether to shoot a potentially armed person, they shot faster and more often when the potentially armed person was Black.¹²

Allowing officers to carry guns in school is also likely to have negative psychological consequences for students, especially those who have already been exposed to gun violence and trauma. Armed officers patrolling the halls would make schools look more like prisons, making students feel like they are being treated like criminals. Studies have shown that efforts to “harden” schools, such as increased police presence and metal detectors – efforts which are disproportionately placed in schools with higher proportions of Black students – make students feel less safe.¹³ These negative effects could be compounded for students who have faced gun-related trauma, which could be triggered by seeing officers carrying firearms at school.

We urge the Board and BCPS to continue to spend time and resources on ensuring that each school’s physical climate, i.e., air conditioning and heating, is conducive to learning, and remain on the path of creating safe and supportive school climates. Research shows that safe school environments are created only through focusing on maintaining a respectful and supportive school environment where students’ emotional and academic needs are met.¹⁴

¹⁰ B. Keith Payne, *Weapons Bias: Split-Second Decisions and Unintended Stereotyping*, CURRENT DIRECTIONS IN PSYCHOL. SCI., 2006, available at <http://www.psych.uncc.edu/pagoolka/cdps287.pdf>.

¹¹ Andrew R. Todd, et al., *Does Seeing Faces of Young Black Boys Facilitate the Identification of Threatening Stimuli?*, PSYCHOL. SCI., Feb. 1, 2016, available at <http://journals.sagepub.com/doi/abs/10.1177/0956797615624492>.

¹² Joshua Correll, et al., *Event-related potentials and the decision to shoot: The role of threat perception and cognitive control*, 42 J. EXPERIMENTAL SOC. PSYCHOL. 120–128 (2006), available at http://psych.colorado.edu/~tito/Correll_et_al_2006.pdf.

¹³ See, e.g., Charles Anzalone, *Study finds tight school security can have unintended, negative consequences*, UNIV. OF BUFFALO NEWS CENTER, Nov. 19, 2015, <http://www.buffalo.edu/news/releases/2015/11/037.html>; Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 EMORY LAW J. 765 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2830885.

¹⁴ See, e.g., Guiding Principles: A Resource Guide for Improving School Climate and Discipline, <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>; Directory of Federal School Climate and Discipline Resources, <https://www2.ed.gov/policy/gen/guid/school-discipline/appendix-1-directory.pdf>; *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, U.S. SECRET SERVICE & U.S. DEP’T OF EDUC. (Jul. 2004). See also U.S. DEP’T OF JUSTICE & U.S. DEP’T OF EDUCATION, DEAR COLLEAGUE LETTER ON THE NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE (January 8, 2014), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html> (providing that “[s]chools are safer when all students feel comfortable and are engaged in the school community Equipping school officials with an array of tools to support positive student behavior . . . will both promote safety and avoid the use of discipline policies that are discriminatory or inappropriate.”); Anya

Programs such as Positive Behavior Interventions & Supports¹⁵ and trauma-informed care¹⁶ are evidence-based and promising means of creating and maintaining supportive school environments.

Additionally, we urge the Board to continue ensuring that school police do not handle routine student discipline, which disproportionately impact students of color. Investments in school safety should include school counselors who can help students address trauma and conflicts and efforts to reduce school arrests and ensure students receive the support and services they need through diversion programs. For more background on how to achieve these goals, please see our recent reports on implicit bias in school discipline¹⁷ and reducing reliance on the criminal justice system for girls in Baltimore,¹⁸

Two years ago, Baltimore School Police Chief Akil Hamm returned school police to schools without firearms because he thought it was important for them to be in the building to develop trust with students, even if they are unarmed.¹⁹ Given the fact that about half of students surveyed this year believe that school police use force to address conflicts,²⁰ an unarmed police officer makes it less likely that the force used will be a firearm. The Board must continue to focus on efforts that are proven to effectively protect student safety and promote learning rather than put students at risk.

Kamenetz, *Here's How to Prevent the Next School Shooting, Experts Say*, NPR, Mar. 7, 2018, <https://www.npr.org/sections/ed/2018/03/07/590877717/experts-say-here-s-how-to-prevent-the-next-school-shooting>.

¹⁵ See Jenni Owen, et al., *Instead of Suspension: Alternative Strategies for Effective School Discipline*, Duke Center for Child and Family and Policy, 2015, available at https://law.duke.edu/childedlaw/schooldiscipline/downloads/instead_of_suspension.pdf.

¹⁶ See Katy O'Grady, *Transforming Schools with Trauma-Informed Care*, ASCA SCHOOL COUNSELOR, Jan. 2017, available at <https://www.schoolcounselor.org/asca/media/asca/ASCAU/Trauma-Crisis-Management-Specialist/TransformingSchools.pdf>.

¹⁷ LDF, *LOCKED OUT OF THE CLASSROOM: HOW IMPLICIT BIAS CONTRIBUTES TO DISPARITIES IN SCHOOL DISCIPLINE*, 2017, available at http://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf.

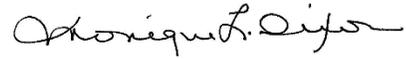
¹⁸ LDF, *OUR GIRLS, OUR FUTURE: INVESTING IN OPPORTUNITY & REDUCING RELIANCE ON THE CRIMINAL JUSTICE SYSTEM IN BALTIMORE*, 2018, available at http://www.naacpldf.org/files/case_issue/Baltimore_Girls_Report_FINAL_6_26_18.pdf.

¹⁹ See Tim Tooten, *School police allowed back into Baltimore schools without guns*, WBAL-TV (Aug. 10, 2016), <https://www.wbaltv.com/article/school-police-allowed-back-into-baltimore-schools-without-guns/7102184>.

²⁰ Talia Richman, *Baltimore school police survey: 70 percent of students say officers make them feel safe*, BALTIMORE SUN, Jul. 24, 2018, <http://www.baltimoresun.com/news/maryland/education/k-12/bs-md-ci-school-police-survey-20180724-story.html>.

Thank you for considering our recommendations. If you have any questions, please contact us at 202-682-1300.

Respectfully submitted,



Monique L. Dixon
Deputy Director of Policy and
Senior Counsel

Nicole Dooley
Policy Counsel

cc: Akil Hamm, Chief, Baltimore School Police
A.J. Bellido de Luna, Board Executive
Tenesha Moore, Board Executive Assistant