



EXECUTIVE SUMMARY

EDUCATION UNDER ARREST:

The Case Against Police in Schools

Fueled by increasingly punitive approaches to student behavior such as “zero tolerance policies,” the past 20 years have seen an expansion in the presence of law enforcement in schools, including school resource officers (SROs). According to the U.S. Department of Justice, the number of school resource officers increased 38 percent between 1997 and 2007.¹

The increase in the presence of law enforcement in schools, especially in the form of school resource officers (SROs) has coincided with increases in referrals to the justice system,² especially for minor offenses like disorderly conduct. This is causing lasting harm to youth, as arrests and referrals to the

juvenile justice system disrupt the educational process and can lead to suspension, expulsion, or other alienation from school. All of these negative effects set youth on a track to drop out of school and put them at greater risk of becoming involved in the justice system later on, all at tremendous costs for taxpayers as

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well the youth themselves and their communities.

With reported rates of school violence and theft at the lowest levels since data was first collected by the National Center for Education Statistics in 1992,³ and federal funding for policing in decline,⁴ a variety of stakeholders are questioning the need to continue keeping law enforcement in schools and relying on law enforcement responses to student misconduct, especially given the damaging effects of involving youth in the juvenile justice system.

School safety is a priority for not only protecting the safety of everyone at school, but also for maintaining a productive learning environment. However, law enforcement in schools is not the best or most cost-effective way to achieve those goals. It is in the best interest of communities to find ways to educate all children and keep children in school. Focusing on law enforcement responses and punitive policies toward behavior ultimately results in more incarceration and reduced community well-being, as well as negative life outcomes for youth.

What is a school resource officer?

The first school resource officers (SROs) were in Michigan in the 1950s, but didn't gain real traction until the 1990s when concerns about school violence led to rapid implementation of "zero tolerance policies." The first federal zero tolerance policy related to schools was the Gun Free Schools Act of 1994, which required that any jurisdiction that receives money through the Elementary and Secondary Education Act adopt a policy that suspends a student for a minimum of one year for bringing a firearm to school. Zero tolerance policies created the perceived need to have law enforcement readily available to enforce these policies; the federal government fed this perception by

offering funding to expand the presence of law enforcement in schools.

School resource officers (SROs) can be charged with a number of duties that include education and mentoring, but first and foremost, their primary function is to provide security and law enforcement while stationed in schools. According to the National Center on Education Statistics, a school resource officer is a "career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with school and community-based organizations."⁵ SROs are typically accountable first to the police department and then to the school, which might pay part of an SRO's salary or administrative costs. Nonetheless, a handbook for recruiting and retaining SROs, says that an SRO can overrule a school administrator that wants to prevent the arrest of a student.⁶

An SRO can carry out some of the functions of a guidance counselor or social worker, such as mentoring or advising, but with arresting authority and license to carry a weapon in schools. In a national assessment of SRO programs, SROs reported that they spend approximately 20 hours per week on law enforcement activities, 10 hours on advising and mentoring, 5 hours on teaching (e.g. G.R.E.A.T. or D.A.R.E. programming⁷), and another 6 or 7 hours on other activities.⁸

The 45 percent increase in the number of SROs between 1997 and 2000 was supported by the allocation of \$68 million through the Community Oriented Policing Services (COPS) In Schools Program. The COPS In Schools Program led to the hiring of 599 SROs in 289 communities in 2000,⁹ which fostered a continued growth in SROs from 9,446 in 1997 to an all time high of 14,337 in 2003.¹⁰ Since that time, COPS has contributed a total of \$905

million to hire 6,300 SROs and develop other school safety measures.¹¹

Schools don't need SROs to be safe

Incidents of violence or theft in schools are serious but rare events within the national context, especially compared to the risk of victimization that children face outside school.¹² In addition, the most recent survey of students indicates that student-reported incidents of violence and theft are at the lowest levels since 1993, having decreased 69 percent from 155 in 1993 to a rate of 47 in 2008.¹³ The presence of law enforcement in schools has no clear relationship to this drop in reported rates of theft or violence,¹⁴ and surveys show that not only do the presence of security guards in schools have no relationship to school violence,¹⁵ but security guards in schools may actually lead to more disorder.¹⁶ Contrary to the idea that more police are the best way to improve school safety, research shows that positive relationships and supports in schools foster a safe school environment.

- The Consortium on Chicago School Research found that it is the quality of relationships between students and staff and between staff and parents that creates safe schools. Furthermore, disadvantaged schools with high-quality relationships feel safer than advantaged schools with low-quality relationships.¹⁷

“Are the (school resource officers) in fact replacing the school officials as disciplinarians? Because if that’s the case, that’s the wrong thing to be doing.”

- Chief District Judge Dennis Maes of the 10th Judicial District, Colorado
www.chieftain.com/news/local/discipline-belongs-with-schools-pueblo-judge-says/article_c2f7fda8-ddd4-11e0-9ee4-001cc4c002e0.html

- Research from University of Virginia indicates that schools that were described as highly structured and highly supportive also had the lowest levels of victimization and bullying.¹⁸ Highly structured schools are described as having as rules that are strictly and fairly enforced and highly supportive schools have adults, not necessarily SROs, at the school being supporting, caring, and willing to help.

The uneven evidence that SROs make schools safer or improve students’ behavior, together with the risks and drawbacks of having law enforcement in schools that include financial cost and negative impacts on youth themselves, call into question the value of keeping law enforcement in schools as a response to student misbehavior. Schools should be encouraged to explore other means of keeping schools safe without involving law enforcement.

School resource officers allow a reliance on arrests to address student discipline

While reported incidents of violence and crime in schools are at the lowest level since the early 1990s, arrests and referrals of students to the juvenile justice system by SROs are increasing. In addition, the presence of SROs in schools has led to youth being arrested for disruptive rather than dangerous behavior, like swearing.¹⁹ The presence of school resource officers creates the opportunity for an increased application of the law directly to students and school situations without the filter of school administrators or policies, which may have treated youth differently for the same behaviors.

- In the only piece of quantitative research to compare referrals to the juvenile justice system across several states, researchers at

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the University of Maryland and the University of Massachusetts analyzed data from five states in the National Juvenile Court Data Archive. They found that in four of the five states, referrals from schools made up a greater proportion of all referrals to juvenile courts in 2004 than in 1995.²⁰

- Research in Florida, Denver, and Chicago all found that school referrals to law enforcement or the juvenile justice system increased with the presence of law enforcement.²¹
- In a study directly concerning SROs, Clayton County, Georgia found that with the placement of SROs in schools, the number of referrals directly to the juvenile justice system increased dramatically, from approximately 89 referrals per year in the 1990s to 1,400 per year in 2004.²²

Academic research also shows that schools with SROs are also more likely to have arrests for minor offenses. In a three-year study of 13 schools with an SRO and 15 schools without in a Southeastern school district with both urban and suburban characteristics, Matthew Theriot, a professor at the University of Tennessee, found that schools with SROs had nearly five times the number of arrests for disorderly conduct as schools without an SRO, even when controlling for the level of economic disadvantage of the school.²³ The high rate of arrests for disorderly conduct is particularly concerning because it could include a range of behavior subjectively judged to be disruptive.

School resource officers interfere with education

School resource officers interfere with the responsibility of schools to educate all students by directly send youth into the justice system, arresting or referring a student to the justice system which translates to suspension or expulsion, and by interrupting school and, in

some cases creating the very sense of fear and violence that they are supposed to prevent. Causing students to miss school or otherwise become disengaged from school, sets off a chain reaction of missed opportunity that leads to a on a “school to prison pipeline” that ends in future justice involvement. When deciding how best to achieve educational and disciplinary goals, schools must confront the potential negative effects of involving youth in the justice system versus alternatives that could achieve the same outcomes while giving those youth who are exhibiting problematic behavior in school the opportunity to become successful adults.

When schools promote policies that encourage student arrests, they are working against the education of youth, as those who enter the juvenile justice system are more likely to drop out of school. Research has shown that within a year of re-enrolling after spending time confined in a correctional facility, two-thirds to three-fourths of formerly incarcerated youth withdraw or drop out of school. After four years, less than 15 percent of these youth had completed their secondary education.²⁴ Even contact with the court increases the chances that a high school student will drop out.²⁵ Over the course of a lifetime and in terms of missed opportunities, poorer life outcomes, and increased chances of future incarceration, incarcerating a single student could cost as much as \$1.7 million.²⁶

Even if a youth is allowed to return to school after an arrest or referral to the juvenile justice system, the student may still be suspended or expelled.²⁷ Suspensions and expulsions can catalyze a series of events that lead to justice involvement in the future. Students that miss school also miss out on developing strong ties to adults and institutions that promote pro-social development and positive life outcomes.²⁸ Regardless of arrest and



involvement in the court, suspensions and expulsions increase the chances that a student will be involved in the justice system in the future.²⁹

Students learn best when they are in a safe environment and are not fearful.³⁰ While this line of argument is usually used to argue for SROs and tightened security measures that prevent bullying and school violence, there is evidence that SROs create the fearful environment that they are supposed to prevent.³¹ Perhaps more importantly, the involvement of SROs in schools precludes the option for teachers and faculty to use conflict to teach students how to resolve differences peacefully.³²

Some students are affected by SROs more than others

Although there is no specific research showing that students of color are arrested in schools more often than white students, in general, youth of color are disproportionately arrested compared to white youth³³ and in school, youth of color are far more likely to be subjected to harsh punishments in school than whites. A study from the Applied Research Center shows that African American students are disciplined more often and more harshly than white students.³⁴ In addition to national statistics related to disproportionate

punishment generally, school district-level analyses by the Advancement Project show overwhelming disproportionalities related to arrests in a number of states and localities.³⁵

The reasons for disproportionate punishment of students of color are varied and are likely related to a number of factors, but research shows that incidents of crime have nothing to do with socio-economic status or stereotypes that youth of color are more disruptive.³⁶ A recent study by the Consortium on Chicago School Research found student achievement levels have more to do with feelings of safety in school than actual reported crime and poverty levels in the school.³⁷ Thus, the way to improve safety in schools is to increase achievement, rather than apply additional punitive measures, which further disillusion lower-achieving students.

Anecdotal evidence from public defenders, combined with data showing that youth with disabilities are more likely to be affected by the juvenile justice system, suggests that youth with disabilities will also be more affected by zero tolerance policies and school resource officers. Disabilities can include mental health problems, which could be a result of trauma.³⁸ A 2011 study by the New York Civil Liberties Union shows that youth with disabilities are four times as likely to be suspended as their peers without disabilities.³⁹ The disproportionate impact of zero tolerance policies on youth with disabilities could be caused by an array of factors, among them are late or inappropriately designed individualized education plans or other accommodations for students with disabilities, inadequately trained teachers and staff, underfunded special education programs, and a reliance on law enforcement to provide discipline in schools.⁴⁰

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Recommendations

The following recommendations reflect the ongoing efforts to reduce the number of students referred to the juvenile justice system from schools or who eventually end up in the justice system because they have been expelled, suspended, or otherwise alienated from school.

Remove all law enforcement officers from schools: School safety can be addressed without on-site SROs. And although there is some evidence that SROs can play a positive role as counselors and mentors in schools, these roles can be better filled by people primarily trained in these areas.

Refrain from using law enforcement responses to student behavior: Schools did not always call police or rely on SROs to deal with all manner of student behavior. Schools should make a concerted effort to avoid calling the police or using a law enforcement response for all but the most serious offenses.

Institute a system to review the validity of arrests within the circumstances of the offense: Jurisdictions could implement a system by which an agency, like the juvenile court, could review arrests and referrals coming from schools to determine whether or not they should be handled within the court or by some other means. In this way, arrests and referrals for minor offenses, like disorderly conduct, could be prevented from entering the justice system and over time officers will learn to stop making unnecessary arrests.

Invest in education: Investing in education both improves achievement and promotes safer schools. Ways to do that include increased hiring of quality teachers, staff, counselors, and other positive role models; building safe, clean schools; and providing training and supports for teachers and staff related to behavior management.

Invest in prevention and intervention strategies that work: Prevention and intervention comes in many forms and includes Positive Behavioral Interventions and Supports, Social and Emotional Learning, student conflict resolution programs, mentoring, cognitive behavioral therapy in schools, and any number of peace resolutions in schools. In addition, schools need alternatives to removing students from school if they are displaying disruptive behaviors. All are just as effective for maintaining safety in schools and support the primary objective of schools: to provide education. In addition to system-level interventions, schools should make sure that students with individual mental health or other special needs receive appropriate services.

Collect more, better data: There is no national data that shows how many students are arrested in schools, let alone the additional data that would show the type of offense, the demographics of the students arrested (e.g. age, race, and whether or not a student is on an individualized education plan), and by what type of officer. Such data measures could be built into state measures of annual progress. Furthermore, data showing that schools that suspend, arrest, or expel too many students should be taken into account in yearly progress determinations.

Create graduated responses to student behavior that take into account the circumstances of the case: Jurisdictions like Clayton County, GA and Jefferson County, AL are perhaps the highest profile school districts that have created a plan to limit the referrals to the juvenile justice system, suspensions and

expulsions by establishing a rubric and system for meting out discipline. This could also include developing an agreed upon discipline code that makes it clear what is an arrestable offense and what is not. Ideally, jurisdictions should aim for zero referrals from schools to the justice system.

Provide training and evaluation: Any police coming into contact with youth, especially at school, should be trained to work with youth, which requires learning to work with students appropriately in a school setting, especially students with disabilities. Periodic evaluation of the outcomes of involvement of police in schools to ensure appropriate behavior within the school is also important.

Reduce disproportionate impacts on students of color and students with disabilities: Jurisdictions and schools must be cognizant of the impact that arrests in schools have on students of color and students with disabilities. Although there is limited data on either subject, there is enough information from large jurisdictions, which is included in this report, to indicate that this is a real problem. Recommendations listed here could potentially help reduce the number of students of color and with disabilities that are arrested, suspended, expelled, or otherwise set in the “school to prison pipeline.”

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² Judith A. Browne, *Derailed: The Schoolhouse to Jailhouse Track* (Washington, DC: Advancement Project, 2003). www.advancementproject.org/sites/default/files/publications/Derailerepccor_0.pdf

³ National Center for Education Statistics, “Indicators of School Crime and Safety, 2010,” Table 2.1: Number of student-reported nonfatal crimes ages 12 – 18 and rate of crimes per 1,000 students, by location, type of crime, and year: 1992-2008. <http://bjs.ojp.usdoj.gov/content/pub/pdf/iscs10.pdf>

⁴ Community Oriented Policing Services Press Releases, 2011 – 2000

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Note: No specific funds were allocated to COPS In Schools or Secure Our Schools under the American Recovery and Reinvestment Act (ARRA), however, some jurisdictions did use general COPS funds under ARRA to fund those programs.

⁵ Cathy Girouard, “School Resource Officer Training Program,” March 2001, U.S. Department of Justice – Office of Juvenile Justice and Delinquency Prevention, www.ncjrs.gov/pdffiles1/ojjdp/fs200105.pdf

⁶ Peter Finn and others, *A Guide to Developing, Maintaining, and Succeeding with your School Resource Officer* (Washington, DC: Office of Community Oriented Policing Services, 2005). [www.cops.usdoj.gov/files/ric/CDROMs/SchoolSafety/Law Enforcement/AGuidetoDevelopingMaintainingSucceeding.pdf](http://www.cops.usdoj.gov/files/ric/CDROMs/SchoolSafety/Law%20Enforcement/AGuidetoDevelopingMaintainingSucceeding.pdf), p. 51; Other examples can be found in Catherine y. Kim And I. India Geronimo, *Policing in Schools: Developing a Governance Document for School Resource Officers in K-12 Schools* (New York, NY: ACLU-New York, 2009). www.aclu.org/pdfs/racialjustice/whitepaper_policinginschools.pdf

⁷ D.A.R.E. (Drug Abuse Resistance Education) and G.R.E.A.T. (Gang Resistance Education and Training) are school-based programs that typically bring law enforcement officers to schools to teach students about the dangers of drug use and gang membership Neither program has been found to be effective means of preventing drug use or gang involvement.

⁸ Peter Finn and Jack McDevitt, *National Assessment of School Resource Officer Programs Final Project Report* (Washington, DC: National Institute of Justice, 2005). www.ncjrs.gov/pdffiles1/nij/grants/209273.pdf.

⁹ Cathy Girouard, “School Resource Officer Training Program,” March 2001, U.S. Department of Justice – Office of Juvenile Justice and Delinquency Prevention, www.ncjrs.gov/pdffiles1/ojjdp/fs200105.pdf

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¹⁴ National Center for Education Statistics, “Indicators of School Crime and Safety, 2010,” Table 2.1: Number of student-reported nonfatal crimes ages 12 – 18 and rate of crimes per 1,000 students, by location, type of crime, and year: 1992-2008. <http://bjs.ojp.usdoj.gov/content/pub/pdf/iscs10.pdf> and Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics, “Local Police Departments, 1997,” “Local Police Departments, 2000,” “Local Police Departments, 2003,” and “Local Police Departments, 2007”

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Note: SRO numbers only available for 1997, 2000, 2003, and 2007. Rates of incidents of theft or violence at school are for the 1996-1997, 1999-2000, 2002-2003, and 2006-2007 school years.

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