

Fail:

School Policing
in Massachusetts

NOTE: This report follows the convention of the Associated Press and many other media organizations in capitalizing Black as a reference to race, while keeping white and brown lowercase in the same circumstances. Black is most commonly used to signify people with African ancestry, while white and brown are applied to people with disparate ancestries and histories.

I had a cop point a gun in my face, saw my friend get beat up by a cop, was pepper-sprayed, and traumatized. The lieutenant was there. How am I going to look up to them? How am I supposed to feel at 13?

1

I had a lunch fight with a girl ... we both were arrested by a [School] Resource Officer [SRO] for throwing milk at each other. We ended up diverted [wrote apology letters and talked about what was wrong].

In communities in the suburbs they give second chances, but in Dorchester the cops approach the kids with six cars and it raises the kids' stress levels.

FOCUS GROUP PARTICIPANTS OF BOSTON YOUTH¹

Is the solution to less gun violence more guns, just with police officers' names on them? Having all those police there made their school feel like a prison. Tiffany Burks

It's bad enough we have to return with clear backpacks, should we also return with our hands up? Kai Koerber

MARJORY STONEMAN DOUGLAS HIGH SCHOOL STUDENTS
PARKLAND, FLORIDA²

Widespread protests against police brutality in the summer of 2020 have led to renewed focus on the role, purpose and need for police in schools. In the 2015-2016 academic year in Massachusetts, 48% of high school students, 33% of middle school students, and 25% of elementary school students attended a school with a police officer, commonly referred to as a “school resource officer” or SRO, stationed in the school.³

In the aftermath of the 2012 Sandy Hook Elementary School shooting in Newtown, CT, Massachusetts passed the Gun Violence Reduction Act,⁴ which mandates that all school districts assign at least one SRO per district, unless they seek a waiver on limited grounds. That decision is controlled by the police chief with input from the school district's superintendent.

¹ *Visioning an Improved Youth Justice System in Boston*, Citizens for Juvenile Justice, 2017. <https://www.cfjj.org/s/Diversions-Boston-Network-White-Paper-FINAL.pdf>

² *Black Parkland Shooting Survivors Say They're Tired Of Being 'Underrepresented,' 'Misrepresented' By The Movement And Media*, Blavity: News, March 29, 2018. <https://blavity.com/black-parkland-shooting-survivors-say-theyre-tired-of-being-underrepresented-misrepresented-by-the-movement-and-media>

³ U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC)

⁴ Massachusetts Session Law: Chapter 284 of the Acts of 2014

The steady increase in the numbers of police officers assigned to work in schools over the past two decades was largely driven by fears of school shootings and a desire to protect students' safety. Since 1989, 17 American elementary and secondary schools experienced deadly school shootings. Of the 19 shooters, one was a Black man, two were Native American teenagers, and the remaining 16 were white boys and men.^{5,6}

But proponents of racially equitable schools argue that the response to prevent further school shootings has disproportionately harmed youth of color and that the presence of police in schools has led to the increasing criminalization of young people, particularly young people of color, often for relatively minor transgressions that were rarely viewed as warranting law enforcement intervention in the past. They maintain that school policing has become a major feeder of the school-to-prison pipeline.⁷ Many of the arguments on this issue are driven by anecdotal stories. Studies have found that beliefs about the pros and cons of placing police in schools are more often fueled by emotions than informed by research.⁸

This debate raises an important question: Is a regular police presence in schools incompatible with racial equity? And if so, does sacrificing racial equity actually improve school safety?

In Massachusetts, many proponents of school policing argue that we are somehow different here, and do not experience the same negative issues with SROs as other states. They maintain that current reform proposals are “nothing more than a knee-jerk reaction to the events happening hundreds of miles away from here”⁹ and are not responding to actions in Massachusetts.¹⁰ Additionally, some insist that the flow of information about students between school officials and law enforcement is justified by the need for school safety, often citing the

⁵ *US Mass Shootings, 1982-2020: Data From Mother Jones' Investigation*, Mother Jones, data set updated February 26, 2020. <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>

⁶ *Factbox: Major school shootings in the United States*, Reuters, February 14, 2018. <https://www.reuters.com/article/us-florida-shooting-masskillings-factbox/factbox-major-school-shootings-in-the-united-states-idUSKCN1FY31I>

⁷ *A movement to push police out of schools is growing nationwide. Here is why*. CNN, June 28, 2020. <https://www.cnn.com/2020/06/28/us/police-out-of-schools-movement/index.html>

⁸ Gottfredson DC, Crosse S, Tang Z, et al. *Effects of school resource officers on school crime and responses to school crime*. *Criminology and Public Policy*, 19(3): 1–36 (2020). <https://doi.org/10.1111/1745-9133.12512>

⁹ *Police Chiefs Protest 'Knee-jerk' Reform Bills*, WGBH July 22, 2020. <https://www.wgbh.org/news/local-news/2020/07/22/police-chiefs-protest-knee-jerk-reform-bills>

¹⁰ Ironically, these statements were issued less than two weeks after the US Department of Justice issued a damning report indicting a Massachusetts local police department of “a pattern or practice of using excessive force” (see fn. 29)

school shooting in Parkland, FL.¹¹ This policy paper examines the various statements issued on this topic and reviews the best available research, which finds that:

- Police misuse and abuse of power against students and youth is a problem in Massachusetts, as it is elsewhere in the country.
- There is no compelling evidence that police make schools safer.
- Police presence in schools increases arrests for low-level offending.
- Black and brown students, and students with disabilities are disproportionately targeted for these arrests.
- The presence of, and interactions with, police hinders student achievement and harms their mental health.
- The placement of police in schools also has a detrimental impact on overall school climate.

It is important to clarify that ending the presence of police in schools will not preclude students, teachers or school administrators from calling law enforcement to intervene in an emergency or public safety incident by calling 9-1-1 or their local police department. It means that police will not be a daily presence in schools, roaming the halls, the cafeteria, the playground or the classrooms.

The “Racist Bad Cop” vs. Systemic Racism

Ordinary people across the country are marching and protesting to demand police reform. While this summer’s activism was triggered by the cascade of murders by law enforcement officers that took the lives of George Floyd, Breonna Taylor, Cornelius Fredricks and others, the movement is driven by the need for comprehensive reforms to a system of policing which places a higher priority on protecting its own members than serving the public¹² and does not recognize or confront its well-documented disparate treatment of Black and brown members of society.¹³

Because police are first responders, this disparate treatment starts the chain that leads to greater system-involvement for Black and brown residents: Such disparate treatment is not due solely to conscious or unconscious racism among a few police, but is driven by systemic factors around the role and power of policing that contribute to

¹¹ Massachusetts Chiefs of Police Association, Testimony #240 on S.2820 to the House Judiciary and Ways and Means Committees, July 16, 2020. <https://malegislature.gov/Committees/Detail/H34/Documents>

¹² Thomas, D., *Law Enforcement Must Regain the Public’s Trust*. National Police Foundation (2017) <https://www.policefoundation.org/law-enforcement-must-regain-the-publics-trust/>

¹³ Headley, A. *Racial Inequities and Police Reform*. June 18, 2020. <https://mccourt.georgetown.edu/news/racial-inequities-and-police-reform/>

inequities where Black civilians are more likely to be harmed by policing practices. *Those practices do not vary significantly by the race of the officer.*¹⁴

- White civilians are more likely to be *beneficiaries* of policing services, while Black and Hispanic civilians are more likely to be *targets* of policing actions (searches, use of force, surveillance and greater suspicion of “living while Black”);¹⁵
- Black and Latinx civilians have a higher frequency of police interactions, are more likely to be subject to stop-and-frisk practices and are twice as likely as whites to experience nonlethal threats or use of force;¹⁶
- During those police interactions, youth of color are more likely to experience threats and physical force at the hands of officers;¹⁷
- Students of color are more likely to be in schools with more police than counselors;¹⁸
- Black youth are less likely to possess weapons, but are more likely to be arrested.¹⁹

The Perceived Exception to Racialized Policing in Massachusetts

Young people experience harms from both law enforcement abuse of power and from over-criminalization of normal teen behavior and associations. School personnel also deploy SROs to respond to student misbehavior and maintain order in classrooms, hallways and lunchrooms.²⁰ Youth subjected to aggressive and often persistent involuntary police encounters (ex. stop and frisk) report significantly higher

¹⁴ Menifield, et al. *Do White Law Enforcement Officers Target Minority Suspects?* Public Administration Review, 79(1): 56-68 (2019). <https://onlinelibrary.wiley.com/doi/abs/10.1111/puar.12956>

¹⁵ Headley, A. *Racial Inequities and Police Reform*. June 18, 2020. <https://mccourt.georgetown.edu/news/racial-inequities-and-police-reform/>

¹⁶ Davis, et al. *Contacts Between Police and the Public, 2015*. US Department of Justice Bureau of Justice Statistics, October 2018. <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>

¹⁷ *Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications*, Vera Institute, September 2013. https://www.vera.org/downloads/Publications/coming-of-age-with-stop-and-frisk-experiences-self-perceptions-and-public-safety-implications/legacy_downloads/stop-and-frisk-summary-report-v2.pdf

¹⁸ *We Came To Learn: School Police Deny Students of Color Opportunity to Learn*, Advancement Project and Alliance for Education and Justice. <https://advancementproject.org/wp-content/uploads/WCTLweb/docs/We-Came-to-Learn-9-13-18.pdf>

¹⁹ Glaser, J. *Suspect Race: Causes and Consequences of Racial Profiling*. (2014). <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780195370409.001.0001/acprof-9780195370409>

²⁰ Dahlberg, R. *Arrested Futures: The Criminalization of School Discipline in Massachusetts' Three Largest School Districts, 2012*. <https://www.cfjj.org/s/ArrestedFutures-CfJJ-ACLU.pdf>

levels of anxiety, trauma and even post-traumatic stress disorder,²¹ with similar findings in students stopped by school police.²² Students living in communities with increased exposure to police stops had lower rates of school attendance, as well as lower high school graduation rates, college enrollment and college persistence, with the effects “substantially” larger for Black students who are the “overwhelming” target for stops. Police abuse of power and outright brutality is a reality for many Black and other residents of color in Massachusetts, yet only a small minority of cases come into the spotlight – usually because of the egregiousness of the behavior or because of video surveillance. **Communities of color feel that their complaints have been ignored for years and that efforts to access records detailing any history of officer misconduct to establish patterns of abusive behavior have been stonewalled.**^{23, 24}

- In 2014, three Holyoke police officers beat a 12-year-old Latino until he was unconscious. The child had come to the aid of a suicidal neighbor.^{25, 26}

ACCORDING TO AN EVALUATION OF THE IMPACT OF FEDERAL SCHOOL POLICING GRANTS AND EDUCATIONAL OUTCOMES

These grants are correlated with:

- 6% increase** in middle school discipline of (mostly Black) students
- 2.5% decrease** in high school graduation rates
- 4% decrease** in college enrollment rates

#SROfail

²¹ Geller, et al. *Aggressive Policing and the Mental Health of Young Urban Men*, Am J Public Health. 104(12): 2321–2327 (2014). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139/>

²² Bacher-Hicks, A. and de la Campa, E. *Social Costs of Proactive Policing: The Impact of NYC’s Stop and Frisk Program on Educational Attainment*, 2020. <https://drive.google.com/file/d/1sSxhfmDY3N1VAN5XwyRObE65tmAZzhTj/view>

²³ *Worcester denies request for internal affairs histories of officers accused of misconduct*, Telegram and Gazette, August 7, 2020. <https://www.telegram.com/news/20180807/worcester-denies-request-for-internal-affairs-histories-of-officers-accused-of-misconduct>

²⁴ *Request for police transparency meet with ‘silence,’ ACLU lawsuit claims*, Boston Globe, August 12, 2020. <https://www.bostonglobe.com/2020/08/12/metro/requests-police-transparency-met-with-silence-aclu-claims-lawsuit/>

²⁵ *3 Holyoke police officers accused in lawsuit of beating boy, 12, unconscious*, MassLive, February 7, 2017. https://www.masslive.com/news/2017/02/3-holyoke-cops-accused_of_beat.html

²⁶ *What did Mayor Alex Morse do when Holyoke police beat a 12-year-old boy?*, Boston Globe Opinion, August 22, 2020. <https://www.bostonglobe.com/2020/08/21/opinion/what-did-mayor-alex-morse-do-when-holyoke-police-beat-12-year-old-boy/>

- In 2016, a Lowell SRO cleared the classroom of any potential witnesses, grabbed a 16-year-old student by the neck, struck him in the head, and threatened to spray him with Mace. He was suspected of possessing marijuana.^{27, 28}
- In 2019, a Springfield school police officer grabbed a 15-year-old student by his neck, slammed him against the wall for what appears to be mouthing off and then falsely arrested him.²⁹
- The US Department of Justice issued findings that the Narcotics Bureau of the Springfield Police Department (SPD):

“engages in a pattern or practice of using excessive force in violation of the Fourth Amendment to the United States Constitution.” The report highlighted the 2016 arrest of two 16-year-old youth where the sergeant “kicked one of the youths in the head, spat on him, and said, ‘welcome to the white man’s world.’ Further, the sergeant allegedly threatened to, among other things, crush one of the youth’s skulls and ‘f***ing get away with it,’ ‘f***ing bring the dog back [and] let him f***ing go after’ a youth, ‘f***ing kill [one of the youth] in the parking lot,’ charge a youth with a murder and ‘f***ing make it stick,’ and that he would ‘stick a f***ing kilo of coke in [one of the youth’s] pocket and put [him] away for f***ing fifteen years.’”³⁰

A ‘Knee-Jerk Reaction’ Decades in the Making: The History of School Policing in Black and White

School policing has its own racialized history since the first documented program in the United States, with a common thread: the perception of Black and other students of color as a threat rather than students to protect.³¹

The first instance of police being stationed in schools was in 1953 in Flint, Michigan as discussions on desegregation were heating up

²⁷ *Lowell police officer suspended 6 months*, The Lowell Sun, January 26, 2017.

<https://www.lowellsun.com/2017/01/26/lowell-police-officer-suspended-6-months/>

²⁸ *Lowell cop sued over use of force in traffic stop*, The Lowell Sun, January 28, 2020. <https://www.lowellsun.com/2020/01/18/lowell-cop-sued-over-use-of-force-in-traffic-stop/>

²⁹ *Video contradicts police report on arrest of Springfield student in High School of Commerce hallway*, MassLive, February 27, 2019. <https://www.masslive.com/news/2019/02/video-contradicts-police-report-on-arrest-of-springfield-student-in-high-school-of-commerce-hallway.html>

³⁰ US Department of Justice, *Justice Department Announces Findings of Investigation into Narcotics Bureau of Springfield, Massachusetts Police Department*, July 8, 2020.

<https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-narcotics-bureau-springfield>

³¹ *We Came To Learn: School Police Deny Students of Color Opportunity to Learn*, Advancement Project and Alliance for Education and Justice, <https://advancementproject.org/wp-content/uploads/WCTLweb/docs/We-Came-to-Learn-9-13-18.pdf>

ahead of the *Brown v. Board of Education* Supreme Court decision. Proposals to place uniformed police in schools continued in the late 1950s, targeting low-income Black and Latinx neighborhoods with youth being depicted in contemporaneous news media as “dangerous delinquents” and “undesirables” capable of “corroding school morale” and who would bring “disorder to white schools.”³²

During the 1960s and 1970s while Black and Latinx student activists fought for equitable education and civil rights, public officials called for greater cooperation between schools and police to “hold students accountable.” School policing expanded to other cities where armed and unarmed police patrolled school hallways and conducted stop-and-frisk searches of students in elementary, middle and high schools in various cities. In 1979, school police were deployed across the city during Boston’s mandatory school desegregation, most heavily in South Boston, the site of the most severe riots against desegregation, where on a typical day 500 police officers were stationed at the high school.³³ While it is undeniable that the exponential increase of SROs came as an aftermath to Columbine in 1999, by 1972 school police were in urban school districts in 40 states. This meant that youth of color were not only policed in their apartment buildings, their neighborhoods and their communities, but also in their schools.

High profile school shootings, beginning with Columbine, raised fears among parents, students and communities about student safety. The response in most communities was to deploy armed police, particularly after a major influx in federal funds from the Community Oriented Policing Services (COPS) program. A second wave of investments, this time mostly from state coffers, came in 2018, after high profile school shootings in Parkland, FL and El Paso, TX. The combined federal, state and local investment in school policing is close to \$2 billion.^{34, 35} Nationally, 71% of U.S. public high schools deploy at least one full-time, armed, law enforcement officer; and 1.7 million students attend a school with police, but no counselor.

³² Local media articles quoted in *Bullies in Blue: The Origins and Consequences of School Policing*, https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf

³³ *Bullies in Blue: The Origins and Consequences of School Policing*, American Civil Liberties Union, April 2017. https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf

³⁴ *Two Billion Dollars Later: States Begin to Regulate School Resource Officers in the Nation’s Schools A Survey of State Laws*, Strategies for Youth, October 2019: <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf>

³⁵ *Education Under Arrest: The Case Against Police in Schools*, Justice Policy Institute, November 2011: http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf

“Jamie,” 17, is a Black student attending a public high school in Boston. After getting into an argument with a teacher, Jamie could feel herself becoming angry and scared. People who, like Jamie, have Post Traumatic Stress Disorder may feel threatened even when there is no actual danger to their physical safety. Jamie knew her PTSD was being triggered, so she told her teacher she needed to go to her counselor’s office. She left her classroom and headed there.

On her way to see her counselor, she was stopped by a hall monitor, who told her that she needed to go to the dean’s office because she was out of class. Jamie said no, she was going to see her counselor. The hall monitor told Jamie that she was going to “call for back up.” Jamie rolled her eyes, took a deep breath, repeated the explanation that she was going to see her counselor, and continued on her way.

When she turned the corner, she was met by three Boston School Police officers. She moved back away from them, but they moved towards her. Video shows Jamie leaning back against the wall and pulling her coat up to cover her face. The officers encircled her, repeatedly interrupting her plea to go see her counselor with the demand that she go to the dean’s office.

This ended only when a Black teacher walking down the hallway stepped between the police officers, grabbed Jamie’s hands, pulled her through the officers, and helped her walk down the hall and away from them. Jamie was later suspended for 10 days because she had allegedly threatened them.

“Marcus” is a Black sixth grader. Marcus, 11, became upset during class because another student sat in his seat during music class. Not being able to sit in his usual seat presented an extreme challenge for him. Like many young people with autism, Marcus became distressed when his routine was disrupted.

A paraprofessional was able to take him for a walk and help him calm down, but by the time Marcus had calmed down, music class was over. Marcus loves music class, and was very upset to miss it. He ran down the hallway away from music class, and the paraprofessional chased him. Marcus ran into the main lobby of the building, where several Boston School Police officers often stand. A police officer grabbed his arm. Marcus cried out and tried to run, but the police officer then grabbed Marcus’ other arm, and pulled him into a small room. The police officer held Marcus - as he cried and struggled and yelled — while they waited for staff members to arrive.

The Promise of School Policing and School Safety: Research

9

*Students of color don't want to be viewed with constant suspicion and fear, becoming the targets of more — or more aggressive — policing in and out of school. We talk a lot about physical safety in schools but not enough about psychological, emotional, and cultural safety.*³⁶

ALLIYAH LOGAN AND ABE ROTHSTEIN, TEEN ACTIVIST PROJECT

The School Resource Officers and Director of Safety and Security intimidate and target students of color and their families and decrease the sense of safety and security for a successful learning environment.

FRAMINGHAM FAMILIES FOR RACIAL EQUITY IN EDUCATION³⁷

It is time to redefine safety ... Districts must change how they meet the emotional, health and safety needs of students and identify and obtain the necessary resources to keep students, educators and communities safe. We must end the presence of police in our public schools and instead invest in social support systems.”

MASSACHUSETTS TEACHERS ASSOCIATION³⁸

Restorative justice programs are heralded as an appropriate, continuous, and communal response to student-centered conflict. Remarkably, such interventions are known to prevent gun violence, and increase trust between students and staff, allowing students to reach out or speak up if they feel unsafe or at risk ... Demonstrable evidence supports the call to remove police from school systems in deference of students' health, safety, and livelihood.

NATIONAL ASSOCIATION OF SOCIAL WORKERS – MA CHAPTER³⁹

Proponents of school police point to horrific events such as the attacks on Sandy Hook Elementary School in Newtown, CT and Marjory Stoneman Douglas High School Parkland, FL to justify the need for school policing and surveillance of students. Yet numerous studies find no correlation between police presence and school safety and instead demonstrate that policing in schools leads to over-criminalization for typical adolescent behavior, particularly for youth of color, and a negative impact on their educational outcomes.

³⁶ Alliyah Logan and Abe Rothstein, *Teen Activist Project at the New York Civil Liberties Union and Youth Over Guns*. <https://www.nyclu.org/en/publications/schools-responded-parkland-shooting-more-police-heres-what-we-really-need>

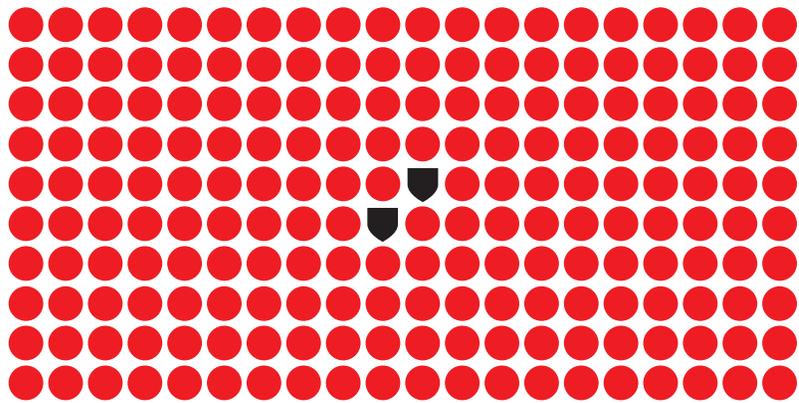
³⁷ Framingham Families for Racial Equity in Education petition. <https://www.facebook.com/groups/280843629027272>

³⁸ *Full funding, more staff, no MCAS: The Mass. Teachers Association lays out its vision for reopening schools*, Boston.com, June 19, 2020. <https://www.boston.com/news/coronavirus/2020/06/19/massachusetts-teachers-union-vision-reopening-schools>

³⁹ National Association of Social Workers, Massachusetts Chapter, Statement: *Social Work Response and Recommendations on Police Reforms*, July 13, 2020. <https://www.naswma.org/news/516947/Statement-Social-Work-Response-and-Recommendations-on-Police-Reforms.htm>

Finding #1: There is little convincing evidence that the presence of an armed police officer has much effect on school safety at all.

- A meta-analysis of 12 studies found that none “indicated a positive impact” of a police presence on school safety outcomes.⁴⁰
- Criminologists at Texas State University identified 25 incidents of active shooters targeting schools in 2013, and concluded that not a single one ended as a result of the actions of armed guards or police officers. An analysis in *The Trace* noted that, while armed guards were present in four of the schools that experienced mass shootings in 2018 — in Kentucky, Florida, Maryland and Texas — they were not able to stop the killing.⁴¹
- An analysis in North Carolina found that adding SROs to schools did not decrease the number of crimes occurring in schools.⁴²
- A 2018 *Washington Post* analysis of nearly 200 incidents of gun violence on campus found only two times where an SRO successfully intervened in a shooting. The analysis also found that Latinx students are twice as likely and Black students are three times as likely as white students to experience gun violence in school.⁴³
- A task force in New York chaired by former state chief judge Judith Kaye found that schools that did not rely upon police reported a greater sense of safety for students, lower arrest and suspension rates and fewer crimes.⁴⁴



In nearly 200 school shootings, police on campus successfully intervened **twice. #SROfail**

SOURCE: WASHINGTON POST

⁴⁰ Stern, A., & Petrosino, A. (2018). *What do we know about the effects of school-based law enforcement on school safety?* San Francisco, CA: WestEd. <https://www.wested.org/resources/effects-of-school-based-law-enforcement-on-school-safety>

⁴¹ *Do Armed Guards Prevent School Shootings?* The Trace, April 6, 2019.

<https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/>

⁴² Barnes, L., *Policing the Schools: An Evaluation of the North Carolina School Resource Officer Program*, 2008. <https://search.proquest.com/docview/304372953/fulltextPDF>

⁴³ *Scarred by School Shootings*, Washington Post, March 25, 2018.

<https://www.washingtonpost.com/graphics/2018/local/us-school-shootings-history/>

⁴⁴ *Keeping Kids in School and Out of Court: Report and Recommendations*, New York City School-Justice Partnership Task Force, May 2013. <https://www.nycourts.gov/ip/justiceforchildren/PDF/NYC-School-JusticeTaskForceReportAndRecommendations.pdf>

Finding #2: There is considerable evidence that the presence of a police officer increases school-based arrests for low-level, non-violent behaviors that have traditionally been the domain of school disciplinarians.

- Schools with police reported 3.5 times as many arrests as schools without police.⁴⁵

- A 2020 longitudinal data analysis comparing 33 public schools that increased their school policing to 72 schools that did not increase their school police staffing found that adding school police “increased the number of drug-and weapon-related offenses and exclusionary disciplinary actions for treatment schools relative to comparison schools. These negative effects were more frequently found for students with special needs.” The study concluded that “increasing SROs does not improve school safety and that by increasing exclusionary responses to school discipline incidents it increases the criminalization of school discipline” and recommended alternatives to increase school safety that do not increase regular police presence in schools.⁴⁶



- Results from focus groups with SROs from 16 school districts in Massachusetts show that the line between behaviors warranting school discipline and those requiring law enforcement intervention was often blurred, and that behaviors considered “criminal” in one district were construed as being solely the domain of school disciplinarians in another. That inconsistency was also prevalent among schools within the same school district.⁴⁷
- Another study involving interviews, focus groups and observations of 200 participants from 50 schools across two districts found that SROs involve themselves in nuanced ways that are shaped by relationships with school staff, official policies and the characteristics of students served, and that this often blurs the line between discipline and law enforcement, and puts them in situations where

⁴⁵ Analysis of federal U.S. Department of Education, 2015-2016 Civil Rights Data Collection (CRDC) data <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>

⁴⁶ Gottfredson DC, Crosse S, Tang Z, et al. *Effects of school resource officers on school crime and responses to school crime*. *Criminology and Public Policy*, 19(3): 1–36 (2020). <https://doi.org/10.1111/1745-9133.12512>

⁴⁷ Thurau, L. and Wald, J. *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L. Sch. L. Rev. 977 (2009-2010). https://digitalcommons.nyls.edu/nyls_law_review/vol54/iss4/5/

they criminalize behaviors that should remain in the domain of school officials.⁴⁸

12

- A 2016 study published in the Washington University Law Review found that students were more likely to be referred to law enforcement for offenses like threats, fights, vandalism and theft at schools with law enforcement officers who were on site at least weekly. That remained true even after authors controlled for factors like state laws that require schools to report certain issues to law enforcement, levels of criminal activity and disorder, neighborhood crime and demographic variables.⁴⁹

Finding #3: There is also considerable evidence that Black and brown students and students with disabilities are disproportionately singled out for arrests and criminal citations for these relatively minor school-based offenses.

- In 43 states and the District of Columbia, Black students are arrested at school at disproportionately high levels, an analysis of federal data by the Education Week Research Center finds.^{50, 51}
- Black students are more likely than students in any other racial or ethnic group to attend schools with police, according to the analysis of 2013-14 civil rights data, the most recent published by the U.S. Department of Education.⁵²
- In 28 states, the share of arrested students who are Black is at least 10 percentage points higher than their share of enrollment in schools with at least one arrest. In 10 of those states, that gap is at least 20 percentage points. Nationwide, Black boys are at the highest risk, three times as likely to be arrested at school as their white male peers.⁵³

⁴⁸ Curran, C. et al. *Why and When Do School Resource Officers Engage in School Discipline? The Role of Context in Shaping Disciplinary Involvement*. American Journal of Education 126(1), 2019. <https://doi.org/10.1086/705499>

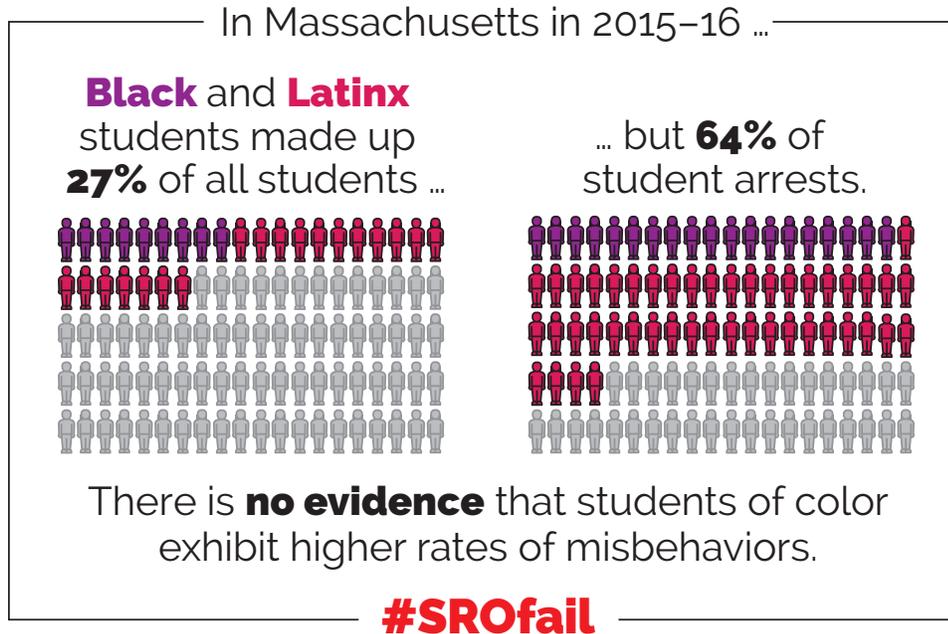
⁴⁹ Nance, Jason P., *Students, Police, and the School-to-Prison Pipeline*. 93 Washington University Law Review 919 (2016), University of Florida Levin College of Law Research Paper No. 15-20. <https://ssrn.com/abstract=2577333> https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2577333

⁵⁰ *Analysis reveals racial disparities in school arrests*, PBS NewsHour, February 27, 2017. <https://www.pbs.org/newshour/education/analysis-reveals-racial-disparities-school-arrests>

⁵¹ Kupchik, A. and Ward, G. *Race, Poverty, and Exclusionary School Security: An Empirical Analysis of U.S. Elementary, Middle, and High Schools*, Youth Violence and Juvenile Justice, 12(4): 332-354 (2013). <https://doi.org/10.1177/1541204013503890>

⁵² *The Prevalence of Police Officers in Schools*, Urban Institute, June 21, 2018. <https://www.urban.org/urban-wire/prevalence-police-officers-us-schools>

⁵³ Blad, E. and Harwood, A. *Black Students More Likely to Be Arrested at School*, Education Week, January 24, 2017: <https://www.edweek.org/ew/articles/2017/01/25/black-students-more-likely-to-be-arrested.html>



- African-American girls fare little better: They are 5.5 times more likely than white girls to be suspended from school. They are also four times more likely to be arrested and almost three times more likely to be referred to law enforcement than white girls.⁵⁴
- In 2015-2016, Black and Latinx students made up 41% of all students, but 59% of student arrests. In Massachusetts, Black and Latinx students represented 27% of all students, but 64% of all arrests. There is no evidence that students of color exhibit higher rates of misbehaviors.^{55, 56}

⁵⁴ *Let Her Learn: Stopping School Pushout for Girls of Color*, National Women's Law Center, 2017. https://www.nwlc.org/sites/default/files/pdfs/unlocking_opportunity_for_african_american_girls_report.pdf

⁵⁵ *Cops and No Counselors*, Table A5, American Civil Liberties Union (2019). https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf

⁵⁶ Massachusetts data underestimate the extent of and disparities in arrest. Several large school districts have consistently under-reported or not reported school-based arrests and law enforcement referrals despite federal and state requirements for these reports.

Finding #4: There is a growing body of research that regular interactions with police officers both in and out of school have a harmful effect on students' academic performance. This is particularly true for Black students, who are more likely to exhibit signs of trauma as a result of these interactions.

- In a study of over 2.5 million students in Texas found that hiring more police in schools leads to greater numbers of suspensions, lower graduation and college enrollment rates.⁵⁷
- A study of New York City students found that increased exposure to police stops reduces the rates of high school graduation, college enrollment, and college persistence, with the effects “substantially” larger for Black students who are the “overwhelming” target for stops.⁵⁸
- Another study found that NYC Black males as young as 11 years old subjected to aggressive, “broken-windows” policing experienced increased absences from school and lower test scores.⁵⁹
- Another recent study found that “exposure to police violence leads to persistent decreases in grades, increased incidence of emotional disturbance and lower rates of high school completion and college enrollment for Black and Latino students.”⁶⁰
- Yet another paper noted that being stopped at school by police officers was a “potent” predictor of heightened emotional distress and posttraumatic stress symptoms in youth. It noted that the presence of guards and metal detectors in schools significantly increased students' fear.⁶¹
- According to an evaluation of the impact of federal school policing grants and educational outcomes: these grants are correlated with a 6% increase in middle school discipline of, mostly Black, students, a 2.5% decrease in high school graduation rates and 4% decrease in college enrollment rates.⁶²

⁵⁸ Bacher-Hicks, A. and de la Campa, E. *Social Costs of Proactive Policing: The Impact of NYC's Stop and Frisk Program on Educational Attainment*, 2020.

<https://drive.google.com/file/d/1sSxhfmDY3N1VAN5XwyRObE65tmAZzhTj/view>

⁵⁹ Legewie, J. *Aggressive Policing and the Educational Performance of Minority Youth*, *American Sociological Review*, 84(2): 220–247 (2019).

<https://doi.org/10.1177/0003122419826020>

⁶⁰ Ang, D. *The Effects of Police Violence on Inner-City Students*, 2020.

https://scholar.harvard.edu/files/ang/files/PoliceViolence_Ang.pdf

⁶¹ Bachman, R. et al. *Predicting Perceptions of Fear at School and Going to and From School for African American and White Students: The Effects of School Security Measures*, *Youth and Society*, 43(2): 705–726 (2011). <https://doi.org/10.1177/0044118X10366674>

⁶² Weisburst, E., *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcome*, October 2018. <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/PatrollingPublicSchools.pdf>

Finding #5: The placement of police in schools can have a detrimental effect on overall school climate. This is especially true for Black and Latinx students, whose sense of safety is not increased by the presence of SROs.

15

- A 2020 study found that school police placement led to increased reliance on surveillance, unreasonable search and seizure, inappropriate sharing of confidential information, activities to develop student informants in the school, and an emphasis on formal controls that create an environment of fear and distrust, reduced the perceived legitimacy of police, weakened the school's sense of community, and diminished students' willingness to confide in school staff when they are experiencing problems.⁶³
- A national Pew Research Center study conducted in April 2020 found that 54% of Black Americans surveyed had confidence in the police acting in the public's best interest, compared with 84% of white Americans who felt that way.⁶⁴ This disparity is mirrored in perceptions of students, as a Tulane University study found that 69% of white students said they felt safer in the presence of police, while only 40% of Black students said the same.⁶⁵
- A 2018 survey of mostly Black students and other students of color in Los Angeles, the researchers found that 60% or more of Black students in the district did not believe that SROs were trustworthy or cared about them. Forty-five percent disagreed or strongly disagreed that police made them safer on campus; 73% found police overly aggressive and 67% said they tended to escalate situations rather than calming them down.⁶⁶

⁶³ Gottfredson DC, Crosse S, Tang Z, et al. *Effects of school resource officers on school crime and responses to school crime*. *Criminology and Public Policy*, 19(3): 1–36 (2020). <https://doi.org/10.1111/1745-9133.12512>

⁶⁴ Pew Research Center, *A month before George Floyd's death, black and white Americans differed sharply in confidence in the police*, June 5, 2020. <https://www.pewresearch.org/fact-tank/2020/06/05/a-month-before-george-floyds-death-black-and-white-americans-differed-sharply-in-confidence-in-the-police/>

⁶⁵ *Police don't make most black students feel safer, survey shows*, Chalkbeat, June 8, 2020. <https://www.chalkbeat.org/2020/6/8/21284538/police-security-guards-schools-black-white-students-racism/>

⁶⁶ Edwards, E. et al., *Keeping Students Safe in Los Angeles: An Analysis of LAUSD School Incident Reports & Funding*, Los Angeles, CA. UCLA Black Male Institute, 2020. <http://blackmaleinstitute.org/wp-content/uploads/2020/06/Keeping-Students-Safe-in-Los-Angeles-Final-Version.pdf>

From a criminal complaint about Boston Public School police reporting to federal law enforcement databases.*

BRIC: Boston Regional Intelligence Center (one of two fusion centers in MA)

FIOE: Field Interrogation/Observation/Encounter

BPD: Boston Police Department

- **Martin** is a Salvadoran teenager who fled gang violence and settled with his mother, sister and aunt in East Boston. He wound up in the BRIC's gang database because he was a victim of an assault at school, and because he was seen leaving school and hanging out with other youth who are alleged to be gang members. He was detained by ICE at the age of 18, and remains detained. BPD has refused his attorney's request for the FIOE records that resulted in Martin's entry in the gang database.
- **Lucas** is a Central American youth who had never been arrested or charged with any adult or juvenile offense. He was detained by ICE based entirely on FIOEs by BPD and school police, who saw him with other young people who are alleged gang members. Although Lucas has a valid petition for status pending, he remains detained and is likely to be denied the opportunity to pursue that protection.
- **Victor** came to the United States from Central America seeking protection from violence and parental neglect in 2012. In 2018, when he was about to be awarded his green card, U.S. Citizenship and Immigration Services ("USCIS") obtained BRIC records reflecting that — five years earlier — a Boston School Police officer had alleged that Victor, who had never been arrested and had no court record, was a gang member. The government has threatened to revoke its previous approval of his status and deport him based on that allegation.
- **Henry** fled El Salvador with his family to escape death threats — and the murder of a family member — by the 18th Street gang. He enrolled in Nantucket High School where he performed well in school but in 2015 a school police officer noted on an observation report alleging that Henry was a gang member. That report was then entered in a database and shared with Immigration and Customs Enforcement (ICE) resulting in his immigration detention a year later.†

* The examples were revealed in a legal complaint, *American Civil Liberties Union of Massachusetts v. Boston Police Department*, November 14, 2018.

https://www.aclum.org/sites/default/files/20181114_bpd_complaint-exhibits.pdf

† *The Gangs of Nantucket: The Story Of Henry Lemus Calderon*, WGBH, Nov. 13, 2017.

<https://www.wgbh.org/news/2017/11/13/news/gangs-nantucket-story-henry-lemus-calderon>

School Police as “Counselors and Educators”: The Legal Ramifications of Presence of Police Officers in Schools

17

“Well-trained school resource officers operate more like counselors and educators working with students to defuse peer conflict and address issues such as drug and alcohol use.”⁶⁷

MO CANADY, EXECUTIVE DIRECTOR
OF THE NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS

“Part of our misunderstanding about the nature of policing is we keep imagining that we can turn police into social workers ... But police are violence workers. That’s what distinguishes them from all other government functions ... They have the legal capacity to use violence in situations where the average citizen would be arrested. So when we turn a problem over to the police to manage, there will be violence, because those are ultimately the tools that they are most equipped to utilize: handcuffs, threats, guns, arrests. That’s what really is at the root of policing. So if we don’t want violence, we should try to figure out how to not get the police involved.”

ALEX VITALE, AUTHOR⁶⁸

Proponents of school policing describe the several roles of well-trained SROs: increasing school safety, building student-police relationships,⁶⁹ mentoring students.⁷⁰ However, the primary purpose of school police is to “develop rapport with the students so that students trust them enough to either inform them about other classmates planning violent incidences or turn to SROs for help when they themselves are in trouble.”⁷¹

Conflating the law enforcement purpose of school police with “educators”, “counselors” and “social workers” is both misleading and dangerous on two levels: (1) it justifies the under-investment in funding, hiring and training of social and emotional supports for students to fulfill these roles⁷² and (2) counselors and educators are

⁶⁷ *Do Police Officers Make Schools Safer or More Dangerous?* New York Times, June 12, 2020. <https://www.nytimes.com/2020/06/12/us/schools-police-resource-officers.html>

⁶⁸ Donnella, L., *How Much Do We Need The Police?* NPR Code Switch, June 3, 2020. <https://www.npr.org/sections/codeswitch/2020/06/03/457251670/how-much-do-we-need-the-police>

⁶⁹ National Association of School Resource Officer, *Frequently Asked Questions*. <https://www.nasro.org/faq/>

⁷⁰ Massachusetts Police Training Committee, *Register for Basic School Resource Officer Course*, <https://www.mass.gov/how-to/register-for-basic-school-resource-officer-course>

⁷¹ International Foundation for Protection Officers, *Public Protection Officers for Public Schools*, <https://www.ifpo.org/resource-links/articles-and-reports/school-security-training/school-resource-security-officers/>

⁷² Massachusetts has a ratio of 396 students for every counselor, significantly lower than the 250:1 recommended ratio. <https://www.schoolcounselor.org/asca/media/asca/home/Ratios18-19.pdf>

School police are authorized to use observations of and conversations with students in their official capacity as a law enforcement officer, thereby making them a form of **legal surveillance** in schools. **#SROfail**

legally obligated to protect the confidentiality of students while such protections are not required of school law enforcement.

Students are required to be in school but cannot withdraw or refuse consent to school-based surveillance. Most students are not aware of their rights or the potential consequences that can arise from conversations they have with law enforcement officers patrolling their hallways. Students are unclear as to the nature of confidentiality of school police. In many schools, SROs are not called police officers by the school, and are seen as “friends” and mentors, even though they are still sworn law enforcement officers, leading students to misunderstand the nature of the officers’ reporting requirements. Children do not have the capacity to demand respect for their rights and lack the ability to understand the key legal terms and concepts concerning their rights. They also do not fully understand what it means to waive these rights. To that end, students can’t really consent to conversations with school police.⁷³

School police are authorized to use observations of and conversations with students in their official capacity as a law enforcement officer, thereby making them a form of legal surveillance in schools. Information about students and their family members gathered through these surveillance methods are being shared with law enforcement databases that criminalize students for typical teen behavior or due to assumptions that are rife with profiling by race and national origin. This surveillance and sharing of information can have severe legal consequences, which are most often felt by students from disadvantaged backgrounds and students of color. Such information about students is not protected by the Family Educational Rights and Privacy Act (FERPA), which protects the confidentiality of student

⁷³ Theriot, M and Cuellar M. *School resource officers and students’ rights*. Contemporary Justice Review, 19(3): 1-17 (2016). <https://dx.doi.org/10.1080/10282580.2016.1181978>

information in their educational records but not information gathered by law enforcement. The information school officials and school police officers share⁷⁴ with local law enforcement can be entered into databases⁷⁵ which serve to surveil, criminalize, incarcerate, detain, and deport students.

The surveillance and racial profiling of students by school police for non-criminal typical adolescent behavior was revealed when a Boston high school student's 2017 deportation was triggered by a verbal altercation with another student documented by an SRO. Despite the incident not rising to the level of a criminal offense, the officer labelled the student a "gang member" based on unfounded assumptions and submitted the report to the Boston Regional Intelligence Center (BRIC).⁷⁶ Subsequent lawsuits revealed that the BRIC received over 100 school incident reports from the Boston Public School district alone. Due to the lack of transparency in the operation and information gathering of law enforcement databases, including the BRIC and the Commonwealth Fusion Center, the breadth of racial profiling of students is unknown, but it is highly likely occurring in school districts across the Commonwealth, whose local police departments share data with these shared law enforcement data systems.

It should be noted that limitations on school policing and the surveillance of students do not prohibit information sharing to investigate or report criminal activity in schools. It does however ensure due process protections for students and that any information that will have legal or immigration consequences meets legal standards rather than the personal discretion of individual officers. A chilling revelation is the opposition by the powerful Massachusetts Sheriffs Association (whose primary purpose is to incarcerate adults) against setting any limits on information sharing between schools and law enforcement⁷⁷ – a clear confirmation that the school-to-prison pipeline exists in Massachusetts.

⁷⁴ *Newly released records point to evidence that Boston student information was shared with immigration agency*, Boston Globe, January 6, 2020. <https://www.bostonglobe.com/metro/2020/01/06/newly-released-records-point-evidence-that-boston-student-information-was-shared-with-immigration-agency/i05fbo8PeFiF7OnyoYm4XP/story.html>

⁷⁵ *Here's What We Know About Boston Police's Gang Database*, WBUR, July 26, 2019. <https://www.wbur.org/news/2019/07/26/boston-police-gang-database-immigration>

⁷⁶ *What A Boston Student's Deportation Reveals About School Police And Gang Intelligence*, WBUR, December 13, 2018. <https://www.wbur.org/news/2018/12/13/east-boston-student-discipline-to-deportation>

⁷⁷ Massachusetts Sheriffs Association Testimony #345 on S.2820 to the House Judiciary and Ways and Means Committees, July 17, 2020. <https://malegislature.gov/Committees/Detail/H34/Documents>



Citizens for Juvenile Justice

44 School Street, Suite 400
Boston, MA 02108

617-338-1050
cfjj.org



Strategies for Youth

P.O. Box 390174
Cambridge, MA 02139

617-714-3789
strategiesforyouth.org