AN END TO THE SCHOOL-TO-PRISON-AND-DEPORTATION PIPELINE

LOCAL PROGRESS

Policy Background

The school-to-prison-and-deportation pipeline is one of the most egregious manifestations of systemic racism, violence, and inequality in our country. The permanent presence of police officers, guns, and metal detectors at schools attended by mostly Black and Brown youth, together with harsh, punitive, and exclusionary discipline policies, create hostile teaching and learning environments.

This practice of invading schools with police began in earnest during the 1940s and 1950s as a reaction to schools desegregating.[1] Since then, the rate of police presence in schools has ballooned. In 1975, merely one percent of schools had police.[2] By 2004, 36 percent of schools reported having police.[3] In 2017, 42 percent of high schools had police.[4] The National Association of School Resource Officers estimates that between 14,000 and 20,000 school resource officers are in service nationwide.[5] In New York City alone, there are 5,511 school safety agents patrolling schools.[6]

This drastic expansion was, in part, spurred by reaction to the Columbine shooting. During this time, federal, state and local programs emerged to infuse more than a million dollars into criminalizing schools.[7] These programs led to more policing and a deep infrastructure of criminalization; "[f]or example, nationwide increases in school security and police presence in the wake of the Columbine tragedy… led to increased use of metal detectors, surveillance cameras, pat-downs, drug-sniffing dogs, and tasers."[8]

The country is currently experiencing another spike in school policing. After the Parkland shooting, some elected officials and policymakers doubled-down on the worst policies and practices carried out in the name of school safety. The National Conference of State Legislatures noted that, by April 2018, over 200 bills or resolutions dealing with school safety had been passed in 39 different states—with more than half introduced after the Parkland school shooting.[9]

Forty-four of those bills (in 20 different states) included measures to arm school personnel, while 12 state legislatures introduced bills mandating the presence of school resource officers at K–12 schools.[10]

Rather than promoting school safety, these measures will instead re-entrench the school-to-prison-and-deportation pipeline and directly undermine school safety, particularly for youth of color. Police are disproportionately concentrated in communities of color, with 51 percent of high schools with majority Black and Latinx students having officers on campus. Research shows Black and Latinx students do not misbehave more frequently or in a more severe manner than white students, yet they are disproportionately arrested and referred to court.[12] Across the country, Black students are more than twice as likely to be referred to the police or arrested in school than their white peers.[13] In some places the disparity is particularly pronounced. For example, in New York City, Black girls are nearly 13 times more likely to be arrested and nearly 7 times more likely to be issued a summons than their white peers.[14]

These punitive practices have devastating impacts. One study found that experiencing an arrest for the first time in high school nearly doubles the odds of the student dropping out, and a court appearance nearly quadruples the odds of the student dropping out.[15] Police interactions also cause lasting psychological harm. Recent research shows that, over time, the mere presence of police may have a compounding psychological effect on students' "nervous and immune systems that may result in anxiety, restlessness, lack of motivation, inability to focus, social withdrawal, and aggressive behaviors."[16] Students often see officers' presence as regulating them rather than protecting them. In fact, several studies have shown that police presence makes students feel less safe than if there were no police in the school.[17]

Proponents of school policing often cite student safety as their primary justification. Yet there is no substantial evidentiary support for the proposition

that police presence in schools create safer learning environments.[18] In fact, studies have shown that even after years of punitive policing and disciplinary measures, schools are no safer than before such policies are implemented.[19] Rather than reduce school violence, the presence of police merely criminalizes typical adolescent behavior, such as disorderly conduct, even among similarly situated schools.[20] The same is true for surveillance measures: After reviewing several empirical studies examining the effectiveness of metal detectors, researchers found that there is insufficient evidence to demonstrate that metal detectors reduce school violence.[21] As advocates have pointed out, problems like these cannot be solved by regulating police or by increasing police training.[22] The root cause of the problem is policing itself because police involvement "in school discipline…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."[23] The solution is to remove regular police presence and surveillance equipment, such as metal detectors, from schools.

The school-to-prison-and-deportation pipeline is not only a grave violation of fundamental human rights and freedoms and ineffective and counterintuitive to promotion of school safety, but it is also a costly drain on public funds. Indeed, "[e]very dollar that goes into police, metal detectors, and surveillance cameras is a dollar that could have been used for teachers, guidance counselors, school psychologists."[24]

Assessing the Landscape

Additional questions to assess the current landscape include:

- How much money is spent to uphold the criminalization of schools through policing and security infrastructure? How does this compare to support services, such as funding for guidance counselors or mental health care? When possible, compare this funding over time.

- Which agency has control over police and/or security in schools? It is under the department of education, police department, independent agency, another formation, or some combination of these options?

- What is the size of the police or security force in and around schools?

- If data is available, how often do police arrest, ticket, or otherwise intervene in schools?

Best Practices

Cities and counties should remove police officers and so-called security infrastructure (e.g. metal detectors, all weapons) from schools. The money that currently supports the criminalization of schools should be divested from those programs and instead invested in teachers, restorative practices, guidance counselors, mental health care, and other programs that young people demand.

During the process of removing police from schools, their presence on campuses should be closely monitored through data collection and restrictions on how they interact with young people.

Local elected officials can influence school policing by revoking the funding, or portions of the funding, for this program. In addition, local elected officials can enact data and transparency laws about the use of police and criminalization infrastructure in schools. Finally, local elected officials can also play an important oversight and advocacy role by calling for oversight hearings about this issue or by requiring the police and education departments to develop policies about police presence in schools. The substance of those policies may be at the discretion of the departments.

The Center for Popular Democracy and Local Progress developed the following criteria based on our work with the Urban Youth Collaborative in New York City, Leaders Igniting Transformation in Milwaukee, and other partnerships. The criteria were also informed by conversations with the Advancement Project.

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
• Schools should be free of police and infrastructure that criminalizes young people.	• Are schools in your local jurisdiction free from regular police presence?	Y N	_____	• Department of education or police department budget
	• Are schools in your local jurisdiction free from metal detectors and either permanent or random checks?	Y N	_____	
	• Are schools free from other forms of surveillance, including police dogs, see-through book bags, and video cameras?	Y N	_____	
• Police authority in schools should be clearly defined and avoid any police interactions for school disciplinary matters.	• Has your jurisdiction's education department signed a Memorandum of Understanding (MOU) with the police department and any other relevant security agency, which designates when police may and may not enter school grounds and their role when they enter?*	Y N	_____	• MOU between the police and education departments, if one exists • Police operations manual (may require a Freedom of Information Act (FOIA) request to obtain)
	• Does the MOU cover all officers and security personnel, whether part of the external police force or the school security force?	Y N	_____	
	• If an MOU exists, was its creation an open and transparent process that included community input?	Y N	_____	
	• Are police barred from enforcing school rules?	Y N	_____	
	• Do police in schools lack the authority to arrest students for misdemeanors on school grounds?	Y N	_____	
	• Are police prevented from issuing referrals to court or ticketing students for tardiness or truancy?	Y N	_____	* MOUs should not be used to place police officers in schools. Rather, they should be used to clearly limit and define the authority of police once they enter school campuses.

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
	• Are police prevented from issuing referrals to court or ticketing students for violations?	Y	N _____	
• Police should not use restraints (physical or chemical) on young people in schools and should be specifically trained to avoid using force, especially on students with mental health needs.	• Are police trained to avoid using handcuffs or other physical restraints on students?	Y	N _____	• Police department training curriculum (may require a FOIA request to obtain)
	• Are police prohibited from and trained not to use guns, tasers, batons, or other weapons against young people?	Y	N _____	• MOU between the police and education departments, if one exists
	• Are police barred from using chemical restraints, such as pepper spray, on students?	Y	N _____	• Police operations manual.
	• Are police trained on how to de-escalate situations in schools?	Y	N _____	
	• Do police have specialized training in how to interact with young people with mental health needs?	Y	N _____	
	• Are police barred from handcuffing or otherwise restraining young people experiencing a mental health emergency?	Y	N _____	
	• Are police prohibited from unnecessarily sending young people to the hospital for experiencing a mental health need?	Y	N _____	
	• Does your local jurisdiction prohibit police from putting young people in seclusion (i.e., padded rooms or solitary rooms)?	Y	N _____	

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
• The spirit and letter of students' due process rights should be protected within schools.	• Does your local jurisdiction require that all questioning of students be videotaped?	Y N	_____	• Local ordinance, if one exists
	• Does your local jurisdiction require that a guardian be present for any questioning?	Y N	_____	• Police operations manual (may require a FOIA to obtain)
	• Does your local jurisdiction require that any questioning or detainment of students be done in a room that has windows and easy visibility to other people?	Y N	_____	• MOU between the police and education departments, if one exists
	• Does your local jurisdiction require that students be read their rights before any police interactions and that those rights be explained in an age appropriate manner?	Y N	_____	
	• Does your local jurisdiction require that it be explicitly explained to students that they may leave questioning at any time?	Y N	_____	
	• Does your local jurisdiction require that it be explicitly explained to students that they may refuse any consent searches conducted on campus?	Y N	_____	

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
• Localities should collect and publish robust data sets on all police interactions in school.	• Does your local jurisdiction have a statute that requires the police department to record interactions with police on school grounds?	Y N	_____	• Local ordinance, if one exists, on data collection
	• Does the statute require data on police interactions to be disaggregated by:			
	• race?	Y N	_____	
	• age?	Y N	_____	
	• school?	Y N	_____	
	• top charge?	Y N	_____	
	• all charges?	Y N	_____	
	• misdemeanor, felony, or other type of charge (e.g., violation)?	Y N	_____	
	• whether force was used?	Y N	_____	
	• whether handcuffs, restraints or seclusion were used?	Y N	_____	
	• whether an arrest was made?	Y N	_____	
	• whether the interaction was because of a mental health emergency?	Y N	_____	
	• whether the interaction was because of an alleged incident on school grounds?	Y N	_____	
	• whether it was due to a metal detector incident?	Y N	_____	
	• who called the officer (officer-initiated, or referral from teacher, student, parent, administrator, community member, other)?	Y N	_____	

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
	• Does your local jurisdiction have a statute that requires reporting regarding the police and security presence in each school, including the number of officers, all security apparatuses (e.g., metal detectors, security cameras), and any other policing (e.g., dog checks)?	Y	N _____	
• There should be a clear and transparent civilian complaint process with the ability to hold an officer accountable and correct the behavior. The complaint process should be specific to school enforcement officials and be easily accessible to parents and students.	• Does your local jurisdiction have a mechanism for students to file complaints against police *in schools* that is separate from the standard police department complaint procedure?	Y	N _____	• Local ordinance establishing the complaint process • Department policies on complaints
	• Is the process published on a website and posted in schools?	Y	N _____	
	• Is the process accessible in multiple languages?	Y	N _____	
	• Is it possible to submit a complaint anonymously?	Y	N _____	
	• Does the complaint body have subpoena powers?	Y	N _____	
	• Does the complaint body have the ability to discipline and/or remove the officers?	Y	N _____	
	• Does the complaint body include students, parents, and teachers?	Y	N _____	
	• Is there an appeal process?	Y	N _____	
	• Does the complaint need to be responded to within 10 days?	Y	N _____	

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
	• Does the complaint body publish a report about all officers, by name, who have had complaints filed against them (either in schools or from the community), the alleged misconduct, the resolution of the complaint, and the school in which the officer is/was stationed?	Y	N _____	
• Undocumented students should be protected and not discriminated against in school.	• Does your local jurisdiction minimize all policing activity in schools?*	Y	N _____	• Local ordinance or executive order about confidentiality
	• Has your local jurisdiction police force, especially the school police, been trained on the immigration consequences of referring young people to law enforcement or arresting them?	Y	N _____	• School district policies
	• Does your local jurisdiction prohibit police from asking about a student's immigration status?	Y	N _____	
	• Has your city, county, or state refused to enter into a 287(g) agreement with the federal government?	Y	N _____	
	• Do the school police refuse to share or receive information with the federal gang database?	Y	N _____	
	• Does the school district have a clear policy for what to do if Immigration and Customs Enforcement officers come to the school?	Y	N _____	

* Any policing—not just ICE—puts undocumented students at risk.

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Criteria	Questions to Evaluate Your Jurisdiction	Meets Criteria? Y/N/Other:		Where to Look
• Students should feel safe in school and not be arrested for incidents that did not occur at school.	• Does your local jurisdiction prevent officers from arresting students on school grounds for incidents that occurred off of school property?	Y	N _____	• MOU between the police and education departments, if one exists
	• Are officers required to present a warrant before entering school grounds to arrest a student for an incident that occurred off of school property?	Y	N _____	• Police operations manual
	• Does your local jurisdiction prevent officers from questioning students on school grounds for incidents that occurred off of school property?	Y	N _____	

Lessons from the Field

While serving on the education committee in 2015, New York City Council Member Antonio Reynoso fought alongside advocates to secure $2.4 million in funding for restorative justice—a school-wide approach to ending discriminatory disciplinary practices, and which instead focuses on "building safe and supportive school communities that [focus] on repairing harm, rebuilding relationships, and collectively holding students and adults accountable for their actions."[25]

To achieve this victory, the campaign—led by young organizers and leaders organizing with Urban Youth Collaborative and operating with the support of allies in council—first had to demonstrate to both the city council and the general public that the fight for restorative justice was fundamentally about addressing discrimination and racial bias. To make the case, the campaign leveraged available data to show that the students who were being disciplined were overwhelmingly Black, Brown and low-income. Once the campaign was able to build a narrative about the racially biased nature of discipline and then advance this narrative through the media, they successfully gained broader support from the public, additional council colleagues, and the mayor. Importantly, the campaign won the support of parents by making the case that disciplinary practices were ultimately hurting students' ability to learn.

Yet, while the data was compelling, it was not robust enough to demonstrate the full extent of racial discrimination in schools. For example, the Department of Education (DOE) was tracking suspensions, but not disaggregating data by race. To address this data gap, Council Member Reynoso introduced a reporting bill that required the DOE to track the demographics of students, including race and gender.[26] He also introduced a bill that required the DOE to track the number of guidance counselors in schools,[27] which brought to light the disproportionate number of officers in schools compared to counselors. This data revealed that principals were spending money on tutors to help students catch up, leaving minimal funding for counselors. As a result, schools were primarily dealing with behavioral and emotional issues through school suspensions. Because of these findings, there is now a minimum number of counselors that schools are required to employ, funded separately from the principal's bottom line.

There was also the challenge of pushing for real impact. While many city officials were on board with the idea of restorative justice broadly, their proposals were not bold enough in the eyes of many young people. For example, the DOE chancellor expressed support for restorative justice, but did not share advocates' goals of eliminating all officers and metal detectors in schools or ceasing all suspensions. Robust outside organizing was crucial to pushing for a more progressive agenda, and young people led the way. The Urban Youth Collaborative—comprised almost exclusively of young people—showed up at hearings to tell their personal stories of unjust suspensions and discipline. Reynoso and his colleagues on the education committee made sure that young people were the first to speak at hearings, which forced the DOE to respond directly to them. Young people attended every rally and were well-prepared to make the argument about the importance of restorative justice. They were also backed by effective community organizations and unions that could lend their institutional power to the fight.

Today, due to the successful organizing of community organizations and the leadership of young people, funding for restorative justice is now baselined into the New York City budget.

Resources

- See an analysis of police in schools by the Advancement Project, Dignity in Schools Campaign, Alliance for Educational Justice, and NAACP Legal Defense Fund, "Police in Schools is Not the Answer to School Shootings" (Re-released March 2018): https://advancementproject.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf

- See policy recommendations to end the regular presence of law enforcement in schools from the Dignity in Schools Campaign: https://dignityinsc.wpengine.com/wp-content/uploads/2017/10/DSC_Counselors_Not_Cops_Recommendations-1.pdf

- See a School-to-Deportation action toolkit developed by the Advancement Project: https://advancementproject.org/wp-content/uploads/2017/11/School-to-Deportation-Pipeline-Action-Kit-FINAL-compressed.pdf

- See policy reforms from cities across the country collected by the ACLU of Pennsylvania at EndZeroTolerance.org: http://www.endzerotolerance.org/police-in-schools-policy-reforms

- See New York City's data reporting law on school discipline, Local Law 93: http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253272&GUID=9BACC627-DB3A-455C-861E-9CE4C35AFAAC

NOTES

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3. Ibid.

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5. "Frequently Asked Questions," National Association of School Resource Officers, Accessed May 15, 2018, https://nasro.org/frequently-asked-questions/.

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14. *See* "School Safety Data," 1st Quarter 2017 SSA Report by Precinct, 2nd Quarter 2017 SSA Report by Precinct, 4th Quarter 2016 SSA Report by Precinct, 3rd Quarter 2016 SSA Report by Precinct, New York Police Department, https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page.

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27. Local Law 56, "A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding guidance counselors and social workers in schools," New York City, November 2014, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1825190&GUID=195EAB1D-0497-4C45-991F-29202ACB7FA2.