



**Testimony for the Senate Education, Health and Environmental Affairs  
Committee  
February 28, 2013**

**SB 807 – Elementary and Secondary Education – Security  
– School Resource Officers**

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

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The ACLU of Maryland opposes SB 807, which would require counties to contract with law enforcement to provide an officer in each elementary and secondary school.

**The School-to-Prison Pipeline**

Safety of our students is of utmost importance. Keeping them physically safe, as well as emotionally safe is a goal we can all agree on. Putting police officers in schools, however, is not the way to keep our students safe. Multitudes of research as well as anecdotal evidence shows us that having law enforcement in schools results in criminalizing students for minor disciplinary issues, resulting in doing students more harm than good.

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While the rationale for having police in schools is to address serious and deadly violence, in fact virtually all school policing programs are significantly broader in scope. Numerous studies and anecdotal information show that a significant portion of police activity actually deals with garden-variety student misconduct, including many behaviors that do not seriously threaten school safety. Students are being ticketed and even arrested for behaviors that were historically handled by educators as discipline issues – including everything from minor fights to drawing on desks to temper tantrums.<sup>1</sup>

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A 2012 ACLU report from Massachusetts, for instance, recounts the following incident:

On October 23, 2007, a 14-year-old boy at the Kennedy Middle School in Springfield, Massachusetts, was arrested after he refused to walk with a teacher to her office and instead returned to his classroom. According to the police report, he yelled at the teacher, bounced a basketball in a school hallway, failed to respond to a police officer's request to go with the teacher and slammed his classroom door shut. He was subsequently taken into police custody, handcuffed, transported to the police station and charged with "disturbing a lawful assembly."<sup>2</sup>

This incident – representative of many others uncovered by ACLU research – shows not only the inappropriate use of school-based arrests, but also the way in which a regular police presence in schools can encourage reliance on law enforcement to handle simple student

<sup>1</sup> Stephanie Chen, "[Girl's arrest for doodling raises concerns about zero tolerance.](#)" *CNN* (February 18, 2010). "[Salecia Johnson: 6-year-old handcuffing sparks school debate.](#)" *Associated Press* (April 18, 2012). Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track* (2005). ACLU/ACLU of Massachusetts, *Arrested Futures: The Criminalization of School Discipline in Massachusetts' Three Largest School Districts* (2012). Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (2011).

<sup>2</sup> ACLU/ACLU of Massachusetts, *Arrested Futures: The Criminalization of School Discipline in Massachusetts' Three Largest School Districts* (2012).

misbehavior.

Furthermore, students of color and students with disabilities are disproportionately affected by the presence of SROs. According to federal data, more than 70 percent of students arrested or referred to law enforcement during the 2009-2010 school year were Hispanic or African-American.<sup>3</sup> Students with disabilities can also suffer disproportionately from over-policing, and in some cases may end up arrested for behaviors that are manifestations of their disabilities.<sup>4</sup>

There are significant harms to young people attending schools that over-police. Research shows that a first-time arrest doubles the odds that a student will drop out of high school, and a first-time court appearance quadruples the odds.<sup>5</sup> The American Psychological Association, CSG, and the Center for Disease Control and Prevention have all found that extreme discipline, including arrests, predict grade retention, school dropout, and future involvement in the juvenile and criminal justice systems.<sup>6</sup> As a result, students face lasting consequences, not only in the justice system, but also when applying for college, the military, or a job.

This overly-criminalizing and misguided approach to school safety has serious negative consequences for youth, causing emotional trauma, increasing the likelihood that they will drop out of school, and future involvement with the justice system.<sup>7</sup>

For these reasons, the ACLU of Maryland opposes SB 807 and urges an unfavorable report.

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<sup>3</sup> U.S. Department of Education Office for Civil Rights, “[The Transformed Civil Rights Data Collection](#)” (March 2012).

<sup>4</sup> ACLU/ACLU of Massachusetts, *Arrested Futures: The Criminalization of School Discipline in Massachusetts’ Three Largest School Districts* (2012). Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track* (2005). Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (2011).

<sup>5</sup> Gary Sweeten, *Who will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473-477 (2006).

<sup>6</sup> Tony Fabelo et al., *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (2011); Centers for Disease Control, *Health Risk Behaviors among Adolescents Who Do and Do Not Attend School – United States, 1992*, 43 *Morbidity and Mortality Weekly Report*, 129 (Mar. 4, 1994). See also Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (Dec. 2012) (Paper prepared for the *Closing the School Discipline Gap: Research to Practice* national conference in Washington, D.C., Jan. 10, 2013)(finding that students who were suspended even one time in ninth grade doubles their chance dropping out of school).

<sup>7</sup> Sweeten, “*Who Will Graduate?*”; Stephanie Chen, “[Girl’s arrest for doodling raises concerns about zero tolerance.](#)” *CNN* (February 18, 2010). Advancement Project, *Education on Lockdown: The Schoolhouse to Jailhouse Track* (2005).