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School Policing and School Resource Officers:

Considerations and Recommendations

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Table of Contents

Introduction

The Juvenile Justice Commission, County of Santa Clara (JJC) is a state-mandated, court-appointed authority, established under Cal. Welf. & Inst. Code §225. The JJC's purpose is to inquire into the administration of juvenile law in Santa Clara County. The JJC is dedicated to the promotion of an effective juvenile justice system operated in an environment of credibility, dignity, fairness, and respect for the youth of Santa Clara County. **Integral to this mission is examining structures that may cause unnecessary involvement with the justice system and/or disparate impact on juveniles of color and intersecting identities.**

As part of the national conversation addressing racial equity and re-imagining public safety, local school districts in Santa Clara County are assessing new models to ensure student safety and equity and evaluating the role of School Resource Officers (SROs) on school campuses. A growing number of community members contend that police presence on campus has a disproportionately negative effect on students of color, low-income students, and students with disabilities. Supporters of a school police presence counter that SROs play an important role in maintaining a safe learning environment, and the SRO relationship with students and staff is based on building positive relationships which result in an increased ability to address complex issues faced by schools.

Through examination of the literature, discussion with experts, attendance at numerous school board meetings and community forums, and careful attention to youth voice and leadership, the JJC has sought to understand and balance the complex and often competing issues inherent in police presence in schools. The JJC's conclusions and recommendations follow.

Understanding SRO Models and Calls for Change

Models of SRO programs vary significantly by school district. In some districts, such as Fremont Union High School District, administrators describe a model in which SROs remain off campus but on call in case of emergencies. In other districts, SROs are a consistent presence, patrolling school campuses. SRO programs may be funded by school districts, municipal police budgets, or a combination of sources. Regardless of the model, across the U.S. a growing number of student- and community-led groups, including those in Mountain View-Los Altos, Gilroy, Morgan Hill, and San Jose, have presented resolutions[1] to their school boards demanding the elimination of police presence on campus. School districts such as Campbell Union High, East Side Union High, Alum Rock Union, Palo Alto Unified, and

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[1] See San Jose Unified School District Board of Education proposed RESOLUTION NO. 2020-08-06 Derrick Sanderlin Resolution to Defund the police in the San Jose Unified School Budget. (2020). https://sanjosepeace.org/wp-content/uploads/2020/07/Resolution-to-defund-the-Police.pdf

Fremont Unified (Fremont, CA) have voted to eliminate funding for SRO programs. In a further step, the Los Altos City Council voted to eliminate the Los Altos Police Department's SRO program altogether.

Community voices assert that the presence of officers on campus creates an uncomfortable and unsafe environment for students, particularly for students of color, and contend that even in schools where no specific accusations of misconduct have occurred, the mere presence of officers on campus can be traumatizing, lead to unnecessary criminalization of youth for actions that could be handled by schools, and perpetuate the school to prison pipeline.

Student Safety and Gun Violence

Safety of children in schools is of the utmost importance to all community members. Proponents of SRO programs cite the need to protect students in an age of mass school shootings. This concern was the original impetus for SRO programs, which increased dramatically in the years after 2000, when federal funding for police on campus began.

Some agencies take the position that school resource officers improve a school's ability to prevent targeted violence.[2] Analysis, however, does not find a correlation between armed campus police and school safety. In a year-long study of school shootings, the Washington Post found that since 1999, when the Columbine shootings took place, gun violence occurred in at least 68 schools with police officers or security guards. In all but a few of these school shootings, violence ended before police could intervene. Shootings are typically targeted, brief, and, even in attacks of longer duration, armed police are confronted with complex situations in which taking immediate action is fraught with the possibility of injuring innocent students and staff.[3]

The initial expectation in the early 2000s was that SRO presence would mitigate the incidence and toll of school shootings. Despite the increased police presence on campus after Columbine, however, resource officers or security guards were present yet unable to prevent four of the five mass shootings with the highest number of dead or injured. As communities search for ways to create safer schools for all students, a question now being asked is how well an officer armed with a gun on campus protects students. Researchers who study violence in educational

[2] School Safety Working Group. 2020. *Ten Essential Actions to Improve School Safety*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/RIC/Publications/cops-w0891-pub.pdf
[3] Cox, J.W. et al. (March 25, 2018). Scarred by School Shootings. *Washington Post.* https://www.washingtonpost.com/graphics/2018/local/us-school-shootings-history/

settings, such as Matthew Mayer at Rutgers University, find no correlation between armed campus police and a reduction in shootings or school violence.[4]

Locally, new models are emerging, focused on protecting students from outside targeted threats, in place of models that more routinely result in student discipline involvement. The San Jose Police Department, for example, has developed The Guardian Program, to strengthen active shooter response at schools and other large scale community events, without an ongoing presence on campuses. This strategy emerged after the Gilroy mass shooting. Designated crews of highly trained and armed officers are deployed in proximate locations in the City to rapidly respond to possible attacks.[5]

Another impetus for SRO programs historically was to combat internal school discipline problems and a perceived increase in violence. In fact, school violence has decreased in parallel with overall violent crimes in the decades since Columbine, and schools remain among the safest environments.[6]

Reviewing four decades of reports on school policing, researchers found mixed and often few positive results on school safety outcomes.[7] As communities grapple with large-scale targeted attacks, many police officers, school officials, and mental health experts agree that the most effective way to keep students safe is to intervene and provide support well before a shooting occurs.

A Broader Look at School Safety

Decades-long concern about the harmful effects of on-going police presence on school campuses has increased in the wake of the broad-based racial justice awakening of 2020. Students who are vulnerable, due to racial or other identity as well as past trauma, may suffer anxiety from the mere presence of uniformed, armed officers. This is inimical to learning. Furthermore, where SROs are present, school discipline issues are more likely to be handled by

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[4] Alex Yablon, April 6, 2019, Do Armed Guards Prevent School Shootings? *The Trace.*
https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/
[5] San Jose Police Launch Guardian Program. *Mercury News* (8/8/2019).
https://www.mercurynews.com/2019/08/08/san-jose-police-launch-guardian-program-to-beef-up-active-shooter-response/
[6] Education Civil Rights Alliance and American Federation of Teachers (2020). *Police in Schools.*
https://edrights.org/wp-content/uploads/2020/08/PoliceInSchools-by-ECRA-and-AFT.pdf
[7] Crawford, C., Burns, R. (2015). Preventing School Violence: Assessing Armed Guardians, School Policy, and Context. *Policing: An International Journal of Police Strategies & Management* 38(4), 631-64.
https://doi.org/10.1108/PIJPSM-01-2015-0002

law enforcement rather than by school personnel, ensnaring more students in the criminal justice system. The abstract of one of many journal articles states:

> Drawing on recent restricted data from the US Department of Education, ...an original empirical analysis reveal[s] that a police officer's regular presence at a school is predictive of greater odds that school officials refer students to law enforcement for committing various offenses, including... lower-level offenses. This trend holds true even after controlling for: (1) state statutes that require schools to report certain incidents to law enforcement; (2) general levels of criminal activity and disorder that occur at schools; (3) neighborhood crime; and (4) other demographic variables. The consequences of involving students in the criminal justice system are severe, especially for students of color, and may negatively affect the trajectory of students' lives. Therefore, lawmakers and school officials should consider alternative methods to create safer learning environments.[8]

A causal relationship between a) the presence of SROs on campus, b) race and/or other student identities, and c) court involvement has not been established. However, an examination of existing data reveals that students of color, those with disabilities, and low-income students face disproportionately higher rates of police-involved action.[9] U.S. Department of Education Office for Civil Rights statistics[10] show that California schools with more than 80% low-income students have an arrest rate seven times greater than those schools serving higher income students (2013-2014). The statistics show that students with disabilities represent 12% of the student population and constitute 28% of referrals to law enforcement or school-related arrests (2015-2016). School officials refer disciplinary issues to the police at a greater rate when those incidents involve students of color. In Los Angeles Unified School District 2015-16, 8.5% of students were Black, yet they constituted 46.6% of arrests. Latinx students are more than twice as likely to be arrested as white students and four times more likely to be referred to the police.[11] Furthermore, students who are justice-involved, suspended, or

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[8] Nance, Jason P., Students, Police, and the School-to-Prison Pipeline (November 2, 2015). 93 *Washington University Law Review* 919 (2016), University of Florida Levin College of Law Research Paper No. 15-20. https://ssrn.com/abstract=2577333

[9] Leadership for Educational Equity (undated). *Emerging Models for Police Presence in Schools*. https://educationalequity.org/sites/default/files/documents/emerging_models_for_school_resource_officers_final.pdf

[10] Civil Rights Data Collection, Office of Civil Rights. U.S Department of Education. https://www2.ed.gov/about/offices/list/ocr/data.html

[11] Whitaker, A et al. (2020). American Civil Liberties Union. *Cops and No Counselors, How the Lack of Mental Health Staff is Harming Students*. https://www.aclu.org/report/cops-and-no-counselors

expelled, miss time in the classroom which results in educational deficits along with additional consequences which may be severe and life-long.

In this region, a task force commissioned by Fremont Unified School District conducted an extensive analysis of the district's SRO program and found that Black students comprised 2.6% of enrolled students, 23.5% of in-school suspensions, 14.6% of out-school-suspensions, 26.7% of school expulsions, and 20.2% of referrals to law enforcement. Latinx students comprised 15.3% of enrolled students, 17.3% of in-school suspensions, 27.5% of out-of-school suspensions, 26.7% of expulsions, and 31.5% of referrals to law enforcement in the 2015-2016 academic year. In 2017-2018, students with disabilities in Fremont represented 9.6% of the student population, 45% of in-school suspensions, 42% of out-of-school suspensions, 18.8% of expulsions, and 24% of referrals to law enforcement. The task force found a disproportionate impact on Fremont's most vulnerable students.[12]

A disproportionate number of students of color and those with disabilities are suspended, referred to the police, and arrested in our county as well. For example, in the 2018-19 academic year, Latino students constituted 39% of enrolled students in Santa Clara County, but accounted for 64% of children suspended.[13] Yet few studies have evaluated SRO programs. It appears that typically no specific goals, protocols, metrics, or assessments are stipulated for SRO programs. Additional research is needed to understand the relationship between SROs and students with diverse identities.[14] In the absence of solid data on SRO programs, significant questions exist regarding a strategy that can be perceived as funneling students from the educational system to the youth justice system and further exacerbating disparities.

A compounding concern is that students in California receive significantly fewer support services, including guidance counselors, school psychologists, social workers supporting family needs, and special education service providers, than those in many other states. These are services that are essential in effecting change at an earlier stage before police involvement may become necessary. California lags behind other states in deployment of resources for support services. Per-pupil expenditures adjusted for cost based on region of the country ranks our state as 39th in the country. The student-to-guidance counselor ratio in California is 663:1. The student-to-student support staff ratio in California is 315:1. Both ratios are well above the national average and reflect the urgent need to significantly increase the number of adults

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[12] Fremont SRO Review Task Force (2020), *Evaluating the Impact of a Permanent Police Presence on Fremont Unified School District Campuses.* https://drive.google.com/drive/folders/1JZxfYuPv58g1y_Ys1rEGrq0CGcrGd-DH
[13] Data drawn by the Haywood Burns Institute and the National Center for Youth Law from the SCC Office of Education's *Dataquest*.
[14] James, N. and McCallion, G. (2013). *School Resource Officers: Law Enforcement Officers in Schools*. Congressional Research Service. https://fas.org/sgp/crs/misc/R43126.pdf

providing support services to students in California.[15]

A deficit in student support services intersects with the alarming increase in youth depression and suicides over recent years,[16] and mental health challenges in our student population are now compounded by the effects of the Covid-19 pandemic. Heeding student pleas for increased supportive services has become an even more urgent imperative.

The Student/Police Relationship and Alternate Community Models

The issue of police on school campuses elicits many different opinions. While an aspirational goal of SRO programs is to encourage positive relationships between well-trained, empathetic officers and students, police presence on campus makes many youth, including youth of color, feel more uncomfortable and anxious than safe. They can feel surveilled and distrusted. Over the course of this fall, Commissioners have attended and listened to numerous school district and community forums on school policing and SROs. The overriding impression is that police presence routinely contributes to an environment on school campuses that students of color perceive as hostile. This experience is not conducive to learning, and for children who have suffered systemic and family trauma, police presence can trigger further trauma and anxiety. When police are on campus, children's normal mistakes can be criminalized where they would otherwise be dealt with by teachers, school administrators, and parents, without criminal consequences. Importantly, current research on adolescent brain development tells us that negative consequences, such as arrest, are not an effective deterrent for adolescents. Evidence-based practices such as Positive Behavioral Intervention and Supports (PBIS)[17] have been shown to be more effective in changing behavior and supporting a healthy learning environment.

Given these concerns, any role for police officers must be clearly defined and based on school safety rather than school discipline. Officers responding to school calls need extra training in the areas of trauma-informed care, cultural sensitivity, child and adolescent development, consideration for special needs students, and safety for lesbian, gay, bisexual, transgender, and questioning students. Even with the best training, however, it is as unreasonable to expect police officers to be social workers as it would be to ask social workers to act as police officers.

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[15] Mann, A et al. (2019). *Cops & No Counselors: How the Lack of School Mental Health Staff Is Harming Students.*
[16] Mojtabai, R., Olfson, M., and Han, B. (2016). National trends in the prevalence and treatment of depression in adolescents and young adults. Pediatrics 138, no. 6.
[17] U.S. Department of Education, Office of Special Education Programs and Office of Elementary and Secondary Education. https://www.pbis.org/about/about

As schools and communities develop alternative accountability programs for violence prevention, such as The Collaborative Problem-Solving Team[18] and the PROMISE Program[19], so too can communities and schools work with police to increase opportunities for positive, non-law-enforcement interactions between students and police. Police efforts such as Coach 5-0 and Mentoring Arlington Youth in Arlington, Texas are two examples of the many innovative efforts to create positive police-student interactions in local communities.[20] Youth courts, peer interventions, and problem-solving teams provide alternatives to more traditional law-enforcement interactions.

Promising local models in Santa Clara County offer alternatives to a traditional police response for non-violent, crisis events and those requiring mental health support, which are better served by community teams working in collaboration with other service providers. The Behavioral Health Contractors' Association of Santa Clara County has proposed the expansion of the community-based mobile response model with crisis teams in the County providing trauma-informed care to mitigate and de-escalate situations for both adults and children. This community model recommends using mental health workers, community workers, people with lived experience, social workers, and emergency medical support to provide a client-centered response for non-life-threatening situations both in the community and on school campuses.[21]

Restorative Justice in Schools

In Santa Clara County, and across the country, some schools are implementing restorative justice (RJ) models as alternatives to traditional models of discipline. Restorative justice is a theory of justice that focuses on healing and growth rather than punishment. RJ originated as a juvenile justice system reform. In school settings, comprehensive restorative justice means that the school community – from students to teachers to staff – together create a supportive and self-governing learning environment. The inevitable mistakes and misjudgments of youth are treated as opportunities for healing, growth, and mutual resolution, rather than being addressed through exclusionary discipline and possible criminalization.

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[18] Pollastri, A. R., et al. (2013). The Collaborative Problem-solving Approach: Outcomes across settings. *Harvard Review of Psychiatry*, *21*(4), 188-199.

[19] National Institute on Minority Health and Health Disparities. U.S. Department of Health and Human Services. PROMISE Program Seeks A New Path for Violence Prevention https://www.nimhd.nih.gov/news-events/features/community-health/promise-program.html#:~:text=Promise%20Program%20Seeks%20a%20New%20Path%20for%20Violence%20Prevention&text=Leonard%20Upson%2C%20program%20coordinator%20at,call%20this%20the%20Promise%20Program.

[20] International Association of Chiefs of Police (2018). *Police-Youth Engagement. Practices in Modern Policing*. https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_PoliceYouth.pdf

[21] Behavioral Health Contractors' Association (9/2020). *Summary Proposed Model for Community-Based Mobile Crisis Response.*

A review of the research on restorative justice programs in schools[22] reports dramatic and sustained reductions in school suspension rates, up to 87% in pilot programs including one in an Oakland Union School District middle school. RJ programs appear to hold great promise.

Equity and Justice Statement

Many factors contribute to the well-documented disparate impact of school discipline, exclusion, and/or criminalization practices on students of color, disability, and non-conforming sexual/gender identity. The available data, and persuasive anecdotal evidence, suggest that police presence on campus correlates with these harms. In the absence of conclusive evidence to the contrary, police presence on school campuses should be minimized and calibrated to the requirements of school safety in its broadest sense.

RECOMMENDATIONS

Given the imperative to acknowledge the intersectionality of identities (based on race, ethnicity, immigration status, socio-economic level, disability, sexual orientation, gender, child welfare involvement), and juvenile justice involvement of youth in the context of school discipline, the Juvenile Justice Commission recommends that:

1. SRO programs with a consistent police presence on campus end, whether funded by school districts, municipalities, or a combination of the two.

2. Districts redirect and increase school funding to improve mental health support and educational services, reducing the adult-to-student ratio and increasing the provision of preventative services focused on student wellness.

3. Schools and communities continue to work together toward community-oriented solutions and restorative justice models. For schools, the goal should be a healthy learning environment, in which students feel safe and supported.

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[22] Fronius, T., et al. (2016). *Restorative Justice in U.S. Schools: A Research Review*, WestEd Justice & Prevention Research Center. https://jprc.wested.org/wp-content/uploads/2016/12/RJ_Literature-Review-updated-Dec-2016.pdf

4. All police officers who interact with students, whether on-campus or in the community, receive training as indicated in this report to minimize trauma and criminalization of children and youth.

5. Santa Clara County school districts and law enforcement agencies collaboratively commit to collect and regularly report data related to law enforcement and school interactions. Data for school-based arrests, referrals to law enforcement, and filing of criminal complaints, disaggregated by location of arrest/school, charge, arresting agency, gender, age, race/ethnicity, disability, and ESL status,[23] is essential to allow for objective evaluation and effective decision making.

Conclusion

The JJC recognizes that communities and school districts differ in their characteristics, structures, and approaches to creating safe and healthy school climates. Nonetheless, though research is far from adequate, the preponderance of evidence suggests that police presence on school campuses for purposes other than prevention and intervention in targeted attacks, has the potential for ongoing short- and long-term harm, especially to vulnerable student populations. It should be minimized to the extent reasonable and appropriate in each district. School resources should be dedicated to creating a healthy, safe, and universally supportive learning environment for all students.

Approved by the Juvenile Justice Commission, County of Santa Clara, December 17, 2020.

Ron Hansen, Chair

Carol Rhoads, Equity & Justice Committee Chair

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[23] Leadership for Educational Equity (undated). *Emerging Models for Police Presence in Schools*. https://educationalequity.org/sites/default/files/documents/emerging_models_for_school_resource_officers_final.pdf

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