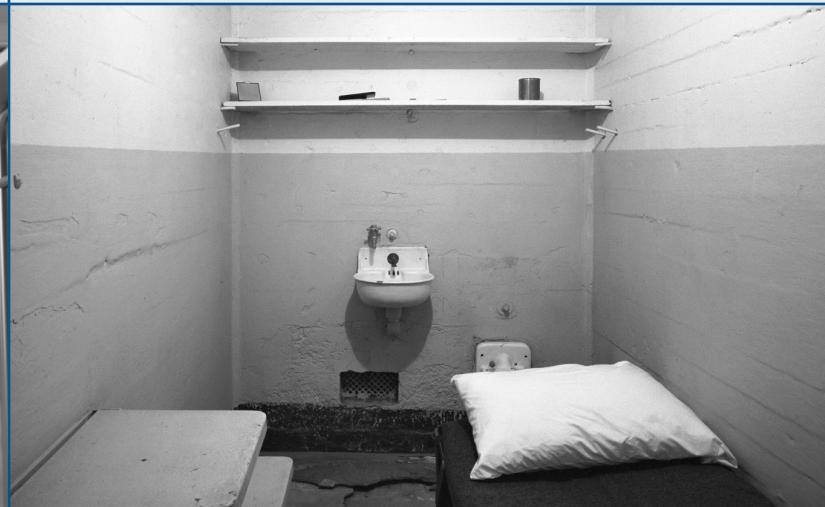


# ARRESTED FUTURES



The Criminalization of School Discipline  
in Massachusetts' Three Largest  
School Districts

Principal Author: Robin L. Dahlberg

SPRING 2012



# ARRESTED | FUTURES

The Criminalization of School Discipline  
in Massachusetts' Three Largest  
School Districts

Principal Author: Robin L. Dahlberg

SPRING 2012



# ARRESTED FUTURES

The Criminalization of School Discipline in  
Massachusetts' Three Largest School Districts

SPRING 2012



AMERICAN CIVIL LIBERTIES UNION  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500  
[www.aclu.org](http://www.aclu.org)



ACLU OF MASSACHUSETTS  
211 Congress Street  
Boston, MA 02110  
(617) 482-3170  
[www.aclum.org](http://www.aclum.org)



CITIZENS FOR JUVENILE JUSTICE  
101 Tremont Street  
Suite 1000  
Boston, MA 02108  
(617) 338-1050  
[www.cfjj.org](http://www.cfjj.org)

Cover Photos:  
Left: istockphoto/evirgen; Right: istockphoto/Daniel Stein

## TABLE OF CONTENTS

I. Executive Summary .....	5
II. The National Context .....	9
III. Profiles of the Three School Districts and Policing Models.....	13
IV. Research Findings .....	21
V. Recommendations .....	37
VI. Appendix: Methodology for Obtaining and Analyzing Arrest Data .....	39
VII. Endnotes .....	44



“I believe that education is the civil rights issue of our generation...  
And if you care about promoting opportunity and reducing inequality,  
the classroom is the place to start.”

—SECRETARY OF EDUCATION ARNE DUNCAN, OCTOBER 9, 2009



Top: istockphoto/mattjeacock; Bottom: istockphoto/Scott Hirko

## I. EXECUTIVE SUMMARY

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."

This incident illustrates a matter of growing concern to educators, parents and advocates: the extent to which the permanent on-site presence of police officers in public schools results in the criminalization of disruptive behavior. While other research has focused on zero-tolerance policies and the overuse of out-of-school suspension and expulsion as significant factors in feeding the "School-to-Prison Pipeline,"<sup>1</sup> this report focuses on the additional problem of arrest, in particular the use of arrest to address behavior that would likely be handled in the school by school staff if not for the presence of on-site officers.

While some school districts use on-site officers to apprehend students who pose a real and immediate threat to the physical safety of those around them, others predominantly use these officers to enforce their code of student conduct. In such districts, officers are encouraged to arrest, in many cases using public order offenses as a justification, students who are unruly, disrespectful, use profanity, or show "attitude."

Schools have every right to hold disruptive youth accountable for their actions. However, criminalizing those actions and diverting kids away from school and into the juvenile or adult<sup>2</sup> criminal justice system are harmful to everyone. Students who are arrested at school are three times more likely to drop out than those who are not.<sup>3</sup> Students who drop out are eight times more likely to end up in the criminal justice system than those who remain in school and graduate,<sup>4</sup> and the cost of housing, feeding and caring for prison inmates is nearly three times that of educating public school students.<sup>5</sup>

Using police officers to maintain order and address student behavior is also costly, and an imprudent use of taxpayer dollars in these difficult economic times. Evidence-based school disciplinary programs that are designed to improve overall school climate, and that can be implemented by teachers and administrators, are not only cheaper but more effective at keeping schools safe and orderly. Among other things, such programs train teachers on how best to manage their classrooms and permit schools to more accurately identify those students who may need additional supports and services or a different type of educational program to function in the classroom.

In this report, the Racial Justice Program of the American Civil Liberties Union's National Legal Department and the American Civil Liberties Union of Massachusetts (collectively, the "ACLU"), in partnership with Citizens for Juvenile Justice, examine the rate at which Massachusetts' three

largest school districts—Boston, Springfield and Worcester—arrest students for public order offenses that occur at school during the school day and the extent to which school-based policing influences arrest rates.

While police and school officials in the three districts were not particularly receptive to this inquiry (initially refusing to provide the information or denying that it existed, and then demanding tens of thousands of dollars to produce it),<sup>6</sup> we eventually obtained sufficient information from the 2007-08, 2008-09 and 2009-10 school years to conclude the following:

- **In all three districts, there were numerous arrests at school during the school day (“school-based arrests”) based on misbehavior that could have been addressed more appropriately by teachers and school staff, and with significantly less harm to students.** These arrests were often justified using catch-all public order offenses (such as “disturbing a lawful assembly”).
- **While all three districts appear to overuse “public order” offenses as a justification for arrests, Springfield had significantly more such arrests than Boston or Worcester, as well as a much higher overall arrest rate than either of the other two districts.** Although the number of public order arrests fell during the three years covered by our study, they fell the least in Springfield and remain unacceptably high.
- **While there are undoubtedly many reasons why there are more public order arrests in Springfield than in Boston or Worcester, it appears that the manner in which Springfield deploys police officers in its public schools is a contributing factor.** Springfield is the only district that has armed, uniformed police officers from the local police department stationed in selected schools for the entire duration of the school day. These officers report to the Chief of the Springfield Police Department, not the Springfield school district. Although Boston has officers stationed in selected schools, these officers are employed by the Boston Public Schools, are answerable to the Public Schools’ superintendent, and are unarmed. Worcester does not have any officers with arresting authority permanently stationed in its schools.
- **Youth of color were disproportionately affected by the policing practices in all three districts.** This disproportionality was greatest in Boston. Although African-American students accounted for approximately one-third of Boston’s student body during the 2008-09 and 2009-10 school years, two-thirds of all Boston arrests during that period were of African-American students. Seventy percent of those arrested for public order offenses were African-American.
- **Youth with behavioral and learning disabilities were disproportionately affected by the policing practices in Boston and Springfield.** The schools with the highest rates of arrest (arrests per 1000 students) in these districts were schools for students with diagnosed learning and behavioral disabilities, raising serious questions about the manner in which these schools are administered.

Based on these findings, we recommend strategies to keep schools safe that do not rely on police officers as a replacement for strong leadership, well-trained and supported staff, and a school culture of mutual respect and accountability. In particular, we recommend the following:

1. Districts should ensure that calling upon police officers with the power to arrest is always viewed as a last resort by replacing permanent in-school officers with “on-call” officers who can immediately respond to truly serious events. Money now spent on in-school police should be reallocated to schools to give them the flexibility to develop in-school alternatives to arrest and to hire trained personnel to provide leadership on disciplinary matters and related concerns, such as mental health issues or inadequate staffing.
2. Districts should develop policies and programs to improve school climate, including policies to help staff distinguish between schoolhouse behavior problems and more serious offenses, and in-school intervention programs to address student misbehavior.
3. To the extent that police officers are involved in schools, responsibilities between school staff and police departments should be clearly delineated to ensure that school staff remain responsible for *all* school discipline issues, and to emphasize that arrest is not an acceptable method for dealing with disruptive students. There should be qualification and training requirements for all school-based officers, as well as policies to prohibit the use of catch-all public order offenses as a basis for arrest.
4. Localities should designate an individual in each school district to collect and make public comprehensive statistical data about school-based arrests or other referrals to law enforcement, including the underlying justification for all arrests (i.e. public order, assault, drug, etc.), and the age, race/ethnicity, gender, and disability status of arrestees.<sup>7</sup> Federal, state and local officials, as well as parents and other community members, should hold schools accountable for failing to address unreasonably high arrest rates or using arrest to exclude, disproportionately, students of color or students with disabilities.
5. Districts, state and federal officials should immediately investigate and address the clearly disproportionate use of arrest against youth of color and students attending therapeutic schools, many of whom are arrested for behavior that appears to be a manifestation of their disability. The use of arrest to remove, disproportionately, students of color and disabled students from Massachusetts schools raises serious legal and fairness concerns and must stop now.



Research has shown that the presence of on-site police officers frequently results in both more student arrests and more arrests for misbehavior previously handled informally by educators and parents.



Top: istockphoto/Jose Gil; Bottom: istockphoto/Jesse Karjalainen

## **II. THE NATIONAL CONTEXT**

### **The Number of Police in School Grows As the Crime Rate Declines**

In the 21st century, school-based policing is, according to the National Association of School Resource Officers, the “fastest growing area of law enforcement.”<sup>8</sup> Sixty years ago, in the mid-1950s, only Flint, Michigan employed police officers to patrol the hallways, lunchrooms and classrooms of its public schools.<sup>9</sup> By 2005, however, 48% of public schools responding to a United States Department of Justice survey reported having on-site police officers.<sup>10</sup> Today, there are an estimated 17,000 school-based officers.<sup>11</sup>

This growth has been fueled, in large part, by the public fear of youth violence and the federal and state governments’ response to that fear, including the allocation of federal funds to defray the costs of school-based police.<sup>12</sup> Yet, according to the most recent data compiled by the United States Department of Justice, school crime has declined significantly during the last 15 years. In response to the Department of Justice’s most recent National Crime Victimization Survey, only 3% of students between the ages of 12 and 18 reported having been the victim of a theft while at school; 2% reported having been the victim of a violent crime at school; and less than one-half of one percent reported having been the victim of a serious violent crime.<sup>13</sup> According to the National Center for Education Statistics, the total rate of self-reported school-based offenses per 1,000 students, including violent crime and theft, fell 69% between 1993 and 2008.<sup>14</sup> The drops in school crime echo significant declines in juvenile crime that have occurred in all settings since the mid-nineties.

### **The Growth of Police in Schools Has Resulted in More Arrests for Behavior Once Handled by Schools**

Research has shown that the presence of on-site police officers frequently results in both more student arrests and more arrests for misbehavior previously handled informally by educators and parents. Districts that employ or deploy more police officers per student have higher rates of arrest than do districts with fewer officers per student.<sup>15</sup> Those arrests frequently are based on behavior that, if not for the police presence, would not normally result in an arrest. Large numbers (in some cases well over half) of those who are arrested in school are charged with public order offenses such as “disorderly conduct,” “disturbing a lawful assembly” and “violating codes of conduct,” or assault-related charges stemming from school yard fights.<sup>16</sup>

Furthermore, recent studies have concluded that on-site police officers, particularly ones who use arrest as a means to resolve student discipline issues, do not make schools safer. A 2011 report published by the Consortium on Chicago School Research at the University of Chicago, for example,

found that the kind of relationships police forge with teachers and students, rather than the number of arrests they make, promotes school safety. Officers who intervene in and resolve student conflict before it erupts into violence or otherwise disrupts the educational environment make students feel safer. Those who respond to student conflict after it has escalated by aggressively restraining or subduing students create a sense of mistrust that adversely affects school climate and increases disorder.<sup>17</sup> Unfortunately, based on the records we reviewed, precisely this type of escalation appears to underlie many of the arrests occurring in Massachusetts schools today.

National research indicates that police officers stationed in schools spend most of their time on law enforcement rather than playing a role as mentors or advisors to students in order to prevent crimes in the first place. In a national assessment of School Resource Officers (SROs) by the National Institute of Justice in 2005, SROs reported that they spend approximately “20 hours per week on law enforcement, 10 hours on advising and mentoring, 5 hours on teaching (e.g. D.A.R.E. programming), and another 6 or 7 hours on other activities.”<sup>18</sup>

Police officers are typically trained to address adult criminal behavior. They usually have only a limited, if any, understanding of issues related to child development and psychology. As a result, the way they address student behavioral issues can have a detrimental effect on the student population and school as a whole.<sup>19</sup> As noted in the National Institute of Justice’s report on School Resource Officers, SROs must “‘unlearn’ some of the techniques they learned to use on patrol duty that are not appropriate in dealing with students (for example, resorting too quickly to using handcuffs or treating misconduct as part of a person’s criminal make-up when in a student the behavior may be an example of youthful indiscretion).”<sup>20</sup> The authors of the study went on to note that “without proper training, SROs can make serious mistakes related to their relationships with students, school administrators, and parents that at best cause short-term crises and at worst jeopardize the entire program at the school.”<sup>21</sup>

Recent research in several states has shown that improved school safety can be achieved without the presence of school officers or a law enforcement approach to school discipline. These studies found that safety in schools can be enhanced by increasing both structure and support: adopting rules that are strictly and fairly enforced and having adults at the school who are caring, supportive and willing to help students.<sup>22</sup>

Recent studies have concluded that on-site police officers, particularly ones who use arrest as a means to resolve student discipline issues, do not make schools safer.

## **Research Shows that Students of Color and Students with Disabilities are Disproportionately Subjected to School-Based Arrests**

African-American students and students with learning disabilities are disproportionately affected by punitive school policing policies, not because they commit more serious crimes than Caucasian and Hispanic students, but because they are more frequently disciplined for minor public order offenses.<sup>23</sup> Indeed, according to a University of Chicago analysis, African-American students actually were *less likely* to commit offenses that triggered a mandatory expulsion than their Caucasian and Hispanic counterparts.<sup>24</sup> A study from the Applied Research Center finds that “African American students are disciplined more often and more harshly than white students.” In terms of suspensions, a 1998 study from the Department of Education Office for Civil Rights shows that African-American and Hispanic students are suspended from schools at disproportionate rates compared to white students.<sup>25</sup>

Along with students of color, disabled students face exceptionally high rates of arrest nationally. A 2011 study by the New York Civil Liberties Union shows that youth with disabilities are four times as likely to be suspended as their peers without disabilities. A report issued late in 2011 by the Justice Policy Institute outlines multiple factors contributing to the disproportionate arrests of youth with disabilities, including: late or inappropriately designed individualized education plans or other accommodations for students with disabilities, inadequately trained teachers and staff, under-funded special education programs, and a reliance on law enforcement to provide discipline in schools.<sup>26</sup>

Our study of arrest patterns in the three largest school districts in Massachusetts reveals similar patterns to the national studies, with both students of color and disabled students facing exceptionally high arrest rates.



“He who opens a school door, closes a prison.”

—VICTOR HUGO



Top: istockphoto/Dan Thornberg; Bottom: istockphoto/Eddie Green

### III. PROFILES OF THE THREE SCHOOL DISTRICTS AND POLICING MODELS

We focused on Boston, Springfield and Worcester because these three school districts are the largest in Massachusetts and share many of the same demographic characteristics, particularly when compared to the rest of the Commonwealth. Together, they account for roughly 10% of Massachusetts' 1,824 public schools<sup>27</sup> and 10% of Massachusetts' 957,053 public school students.<sup>28</sup> During the 2009-10 academic year, Boston Public Schools enrolled approximately 56,000 students in 157 schools; Springfield Public School District had roughly 25,000 students enrolled in 57 schools; and the Worcester Public School District had about 24,000 students in 50 schools.<sup>29</sup>

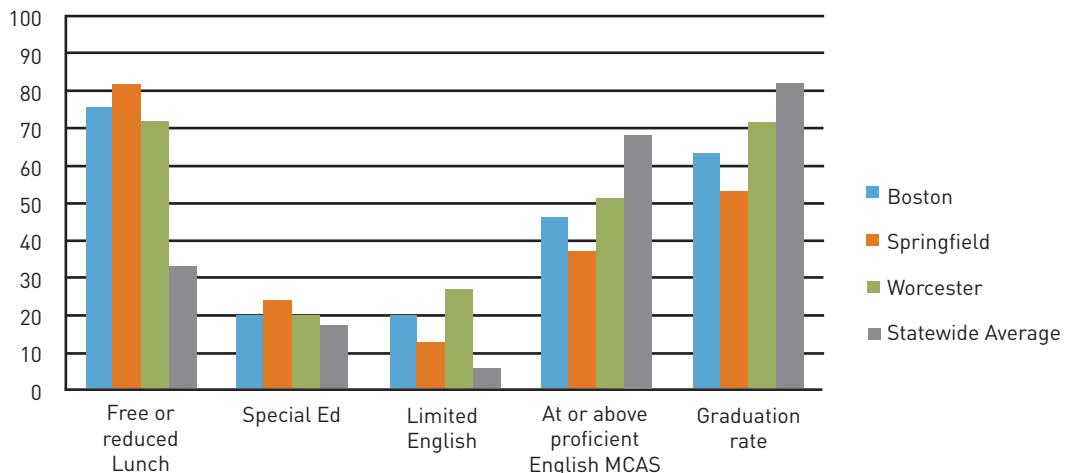
**Table 1: Student Enrollment by Race and Ethnicity 2009-10**



In all three districts there are higher percentages of students of color and students with limited proficiency in English than the statewide average, as well as higher percentages of students who qualify for special education services or free and reduced lunch. Students of color account for 87% of Boston's student population, 85% of Springfield's and 64% of Worcester's (compared to 34% of students statewide). Students with limited English proficiency make up 20% of Boston's student body, 13% of Springfield's, and 27% of Worcester's (compared to 6% statewide).<sup>30</sup> In Boston and Worcester, 20% of students receive special educational services, while the rate is 24% in Springfield (compared to 17% statewide).<sup>31</sup> And, while a third of Massachusetts public school students qualify for free or reduced price lunches (a common indicator of poverty), the rate rises to 75.6% in Boston, 81.4% in Springfield and 71.8% in Worcester.<sup>32</sup>

Educational performance by students on the MCAS was lower than the statewide average in all three districts. While 68% percent of all Massachusetts students who took the MCAS in 2010 scored at or above proficient in English and 59% scored at or above proficient in math,<sup>33</sup> only 46% of Boston students who took the MCAS scored at or above proficient in English and 40% scored at or above

**Table 2: Selected social-economic and educational indicators  
2010**



proficient in math. In Springfield, 37% of students who took the MCAS scored at or above proficient in English and 27% scored at or above proficient in math. In Worcester, 51% of students who took the MCAS scored at or above proficient in English and 42% scored at or above proficient in math.<sup>34</sup> The graduation rates in the three districts are also significantly lower than the statewide rate of 82%. In Boston the graduation rate is 63.2%, in Springfield it sinks to 53% and in Worcester it is 71.4%.<sup>35</sup>

## School Policing Models in the Three Districts

Each of the three districts featured in this report has a different school policing model.

### The Boston School Policing Model

The Boston school district has two different types of police presence at its schools. It has its own Department of Safety Services that, as of June 2011, employed 78 safety officers, 74 of whom were permanently stationed in 33 schools throughout the district ("school safety officers"). Pursuant to special powers granted to them by the Boston Police Department, these officers may make arrests, but only on school grounds. The second group of police is the Boston Police Department's 15-member School Police Unit ("the School Police Unit" or "BPD officers"), which works closely with the school safety officers. Teams of officers from this School Police Unit patrol Boston schools in designated geographic areas throughout the school day.<sup>36</sup>

The safety officers wear uniforms but are not armed. In contrast, the police officers do not wear uniforms but carry guns. According to the police officers, they dress in street clothes because Boston Public School officials believe that having armed, uniformed police officers in its schools would disrupt the educational environment.

The Chief of the district's Department of Safety Services reports that school safety officers do not receive any formal training but notes that many have had previous law enforcement experience. The BPD's School Police Unit officers receive training through the National Association of School Resource Officers and have been asked by the Association to teach some of its classes. Consistent with what has been found in national assessments, training for these school officers is not mandatory, and if given at all, does not include training in adolescent psychology, how to gain respect of youth and manage behavior in a school setting, or how to work with students with disabilities or mental health issues.<sup>37</sup>

School safety officers do not need to obtain approval from or confer with school administrators before making an arrest. They may exercise their discretion as long as they do so within the parameters of Massachusetts law. Unlike the BPD police officers, however, they are ultimately accountable to the district's Superintendent.

The Superintendent of BPS and the BPD's School Police Unit appear to share the same outlook concerning the role of school-based law enforcement officers. They see the primary responsibilities of such officers as "identification and prevention," i.e. identifying at-risk students, getting to know them and intervening to prevent them from engaging in criminal activity. They view arrests as a consequence of last resort. As one police officer told us, student arrests can cause more problems than they solve. Among other things, they can lead to increased bullying, threatening behavior and retaliatory assaults. According to the Chief of the district's Department of Safety Services, "you cannot arrest away problems."

As a result, the BPD's School Police Unit, in addition to patrolling Boston's schools, engages in a variety of activities that have more of a social work focus, as opposed to a law enforcement orientation. For example, under Operation Home Front, police officers, school personnel and members of the clergy go to students' homes one night per week to visit with their parents and discuss the students' school behavior. Under Operation Script, police officers and school officials visit with students who have threatened to commit violent acts at school and refer them to community-based social service providers for follow-up. Police officers also meet on a Saturday morning with students who have violated the Boston Public Schools' Code of Discipline in a program called SMART (Saturday Morning Alternative Reach Out and Teach). They discuss their behavior and educate them about the criminal justice system and the consequences that they might face if their behavior does not change.

As one police officer told us, student arrests can cause more problems than they solve... According to the Chief of [BPS] Department of Safety Services, 'you cannot arrest away problems.'

In addition, the BPD's School Police Unit, in cooperation with the Boston District Attorney and school administrators, has initiated a diversion program to give a "second chance" to students who may have committed minor criminal offenses while at school. Instead of arresting these students, the Police Department enters into a behavior contract with them. Officers from the BPD's School Police Unit monitor the student's compliance with the contract. If the student successfully completes the contract, he or she is never prosecuted. As of June 2011, approximately 40 students have participated in the program, 97% of whom completed it successfully and had no further contact with the Police Department.

### **Springfield School Policing Model**

The Springfield school district is the only one of the three districts in this study to have armed, uniformed police officers stationed in its schools. As of late 2011, the Springfield school district had 21 officers from the Springfield Police Department's Student Support Unit (also known as the QUEBEC Unit) stationed in 19 of its schools. Each middle school, high school and alternative school had at least one police officer. Although the officers' salaries are paid by the school district, the officers ultimately report to the Chief of the Police Department. Unlike Boston's on-site school safety officers, they are not required to work within the educational framework established by the district.

...many administrators and teachers relied upon police officers to do more than get children to settle down. They used them to maintain order in their classrooms, hallways and lunchrooms.

Historically, officers were instructed to view themselves "first and foremost [as] law enforcement officer[s] in the city of Springfield Massachusetts," obligated to and responsible for enforcing state and municipal laws. They were to investigate "all incidents that occur[red] on and around the campus and take appropriate action."<sup>38</sup>

During interviews, school officials and the sergeant in charge of the QUEBEC Unit stated that officers were not required to consult with school officials prior to making an arrest but to notify them of the arrest after the fact. School officials contended that principals and teachers always tried to handle disciplinary incidents by themselves and would only ask police officers to intervene if they were unable to "get the child to settle down." However, the QUEBEC Unit's supervisory officer stated that many administrators and teachers relied upon police officers to do more than get children to settle down. They used them to maintain order in their classrooms, hallways and lunchrooms.

This supervising officer would like officers to act more as mentors, counselors and teachers, and less as law enforcement officials. In fact, at his request, the Memorandum of Understanding between the Springfield Police Department and the school district for the 2011-12 school year makes clear that police officers cannot be used to discipline students and enforce school codes of conduct. Yet,

the supervising officer notes that officers must be responsive to school administrators and teachers and cannot refuse to arrest students that allegedly commit an “arrestable” offense when explicitly asked to do so. According to the supervising officer, on-site police officers function as school “sheriffs” while the schools’ principals are the “mayors.”

We are aware that in 2001, there was a tragic murder in one of the Springfield schools.<sup>39</sup> However, none of the officers or administrators we spoke to in Springfield identified this as a concern or even an underlying reason for Springfield’s current use of police officers to address student discipline issues.

### **Worcester School Policing Model**

Unlike Boston and Springfield, the Worcester school district does not have uniformed officers with the authority to arrest students permanently stationed in any of its schools. It has deployed security guards or safety personnel in five schools but these individuals have no special law enforcement powers. It also has an on-going relationship with four officers and a sergeant from the Community Impact Division of the Worcester Police Department. The district appears to use those officers to assist it in preventing, rather than responding, to school crime.

Because police officers are not permanently on-site, decisions as to whether to refer a student to law enforcement are typically made by school administrators, not police officers. Teachers are instructed to notify an assistant principal if a student is assaultive or out of control. Assistant principals then investigate and, in consultation with principals, decide whether to call the police. According to a 2008 Memorandum of Understanding between the Worcester Public Schools and the Worcester Police Department, school officials are to call 911, not the Community Impact officers, for “all situations requiring an immediate police response or intervention.”<sup>40</sup>

A 2008 job description for the Community Impact officers requires them to review and follow-up on crimes committed on or around school property and to engage in a number of preventive activities, including participating in student interventions, mediating disputes between students, and teaching classes designed to help students handle the pressures of high school life. They also are required to participate in a program designed to assist students on probation adhere to the terms of their probation, one of which is often “obey school rules.”<sup>41</sup> The Memorandum of Understanding states that the Community Impact officers may be called upon to provide a police presence to avert anticipated problems; to prevent motorists from speeding by or near the school; and to confiscate student drugs or drug-related paraphernalia.<sup>42</sup>

Although the officers’ salaries are shared by the Police Department and the school district, the officers do not report to the district. They work under the supervision of a police sergeant and in coordination with the district’s School Safety Liaison, who functions as a clearinghouse, passing information as appropriate between the police officers and school personnel.

## **Significant Funds are Spent to Employ Police in Schools**

Boston and Springfield both spend millions of dollars employing police officers in their schools. In FY 2012, for example, Boston budgeted more than \$4.5 million dollars on safety and security, over \$4 million of which funds approximately 77 SRO positions in the schools. Springfield budgeted more than \$2.5 million for safety and security, including funding for 22 police officers.<sup>43</sup> These amounts are equal to approximately \$80 and \$100 per student, respectively. By comparison, in FY 12, Worcester budgeted just \$120,000 for its police program, or approximately \$5 per student.<sup>44</sup> In Springfield, the 2012 Budget represents an 827% increase for “safety and security” from the 2011 actual budget, even while the district struggled to make up a \$26 million dollar deficit.<sup>45</sup>

As we discuss below, such a significant allocation of resources is quite problematic. Research from around the country indicates that the placement of police officers in schools does not necessarily have a positive impact on school safety or school culture. Both the atmosphere in the school and school performance overall are more likely to be enhanced by the presence of strong administrators and supportive and engaged staff.

### **A Note on Methodology** *(see further discussion in the Appendix)*

Obtaining arrest data was difficult. While Massachusetts law requires government agencies to make arrest data—including narrative information about each arrest—available to the public, neither the school districts nor the police departments that work with them were cooperative about producing this data. One district insisted that no such data was kept. The others informed us that they would charge tens of thousands of dollars to produce the records. Only after eighteen months, a lawsuit and payments of approximately \$8,000 were some of the requested records produced. The records provided were sufficient to determine the number of the arrests in each school during certain years, but not whether some students were arrested multiple times in any given year or over the course of the three years.

To determine the manner in which police officers were deployed in the public schools, we obtained copies of relevant policies and procedures and interviewed those school administrators and police officials and officers who were willing to make themselves available to us.<sup>46</sup>

A detailed description of our methodology and the process of gathering and analyzing the information contained in this report appears in the Appendix. Certain data was excluded from our analysis because (1) the arrest was not school-based; (2) it could not be determined from a particular incident report if an arrest had been made; or (3) the arrest was not based on conduct that had occurred at school (e.g. arrests for outstanding warrants or arrests of non-students).

Offenses that formed the basis of arrests were grouped into one of five categories: public order, person, property, drug and weapons.<sup>47</sup> In Boston and Worcester, our data did not indicate the severity of the charges. Thus, in those districts, we do not know how many arrests resulted in felony charges as opposed to misdemeanor charges. In addition, because we did not receive the incident narratives from Boston, we are unable to assess the nature of the circumstances surrounding these arrests. Because names or other identifying information were removed from the reports we did receive, we cannot determine whether the incidents involve the same youth being arrested for different incidents.

The collection of the data did not enable us to differentiate among elementary, middle and high schools and compare arrest rates at different levels of the educational system.

This report focuses only on school-based arrests. It is important to note that many students are prosecuted for school-based activity without an arrest taking place, since delinquency and criminal complaints are frequently issued as the result of a clerk's hearing.



Steering young people from schools to prisons  
harms everyone.



Top: istockphoto/evirgen; Bottom: istockphoto/Daniel Stein

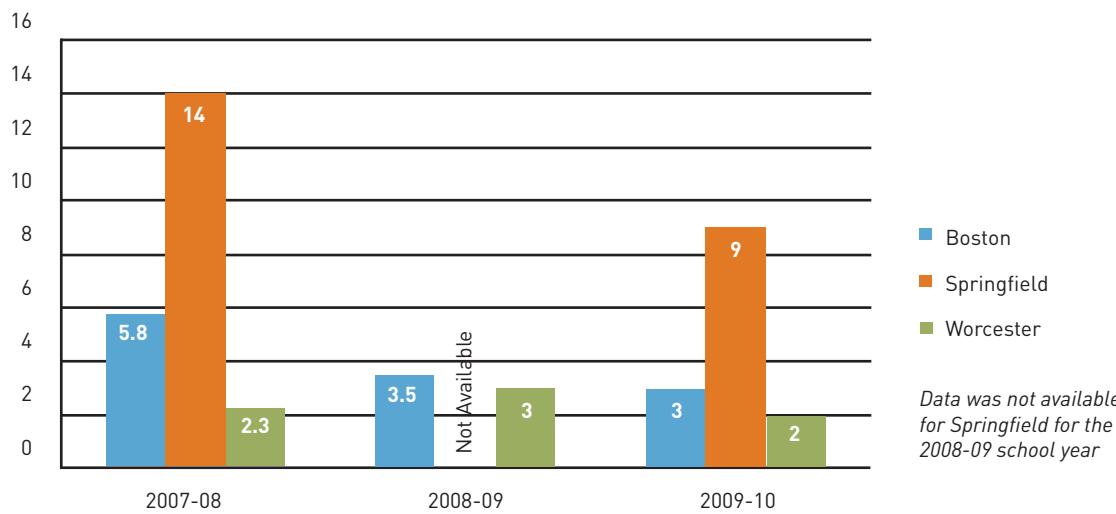
## IV. RESEARCH FINDINGS

While all three districts appear to overuse arrest as a tool to deal with school discipline issues that could be better addressed within the school by regular school staff, Springfield had notably higher arrest rates, in particular for public order offenses. As discussed below, for the years for which we had data for all three school districts (2007-08 and 2009-10), Springfield's arrest rate was roughly *three times* higher than either of the other two districts. Although Boston's public order offense rate was lower than Springfield's overall, Boston disproportionately arrested students of color for public order offenses. In both Boston and Springfield, arrest rates at schools for learning and behavioral difficulties were particularly high—in some cases up to 23 times higher than the rates of other schools in the district.

### Overall Arrest Rates and Underlying Offenses for the Three Districts

The three districts profiled in this report had strikingly different arrest rates. Springfield had the highest rate of arrests when calculated as arrests per 1,000 enrolled students, as well as the greatest percentage of arrests for public order offenses. In 2007-08, Springfield had an arrest rate that was more than twice as high as Boston and seven times as high as Worcester. For every 1,000 students enrolled, there were 14 arrests in Springfield, six in Boston and two in Worcester. In 2009-10, Springfield's arrest rate was three times that of Boston's and five times that of Worcester's. For every 1,000 students enrolled, there were nine arrests in Springfield, three in Boston and two in Worcester.

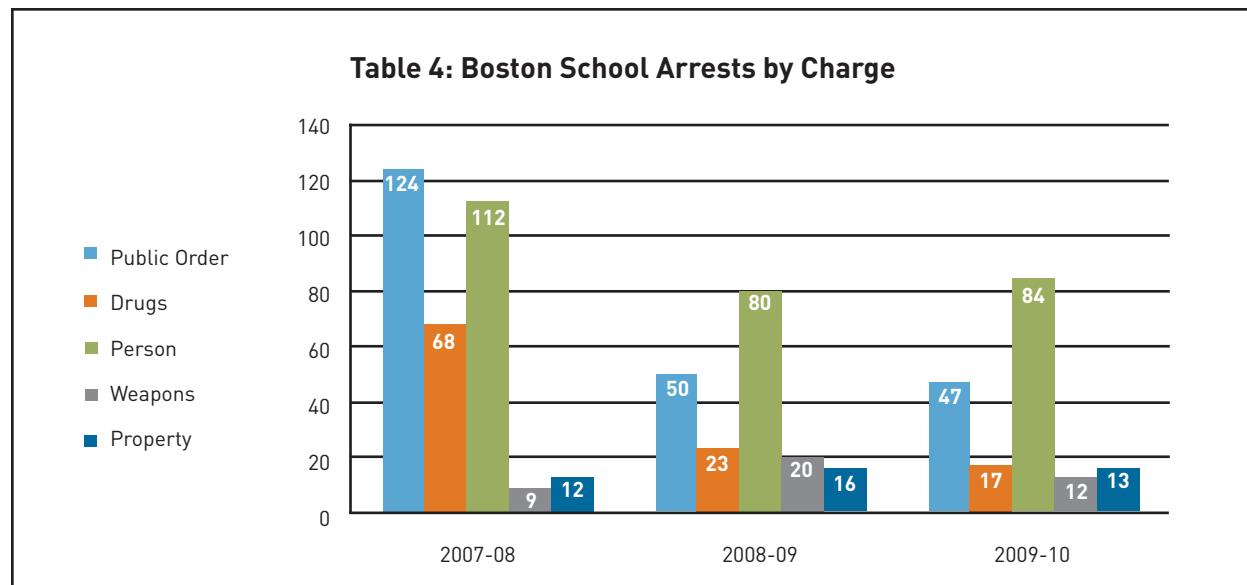
**Table 3: Number of Arrests Per 1,000 Students for Boston, Springfield and Worcester**



As discussed below, in addition to having a much higher overall arrest rate, Springfield schools also appeared to arrest many more students for public order offenses. More than half of Springfield's arrests were for public order offenses. By comparison, between 25% and 30% of arrests in Boston and Worcester were for public order offenses. While a few public order arrests involved youth who were so agitated that they were endangering their own physical safety or that of others, the vast majority involved youth who refused to obey directives from teachers and/or police officers in a verbally confrontational manner.

### **Boston School Arrests**

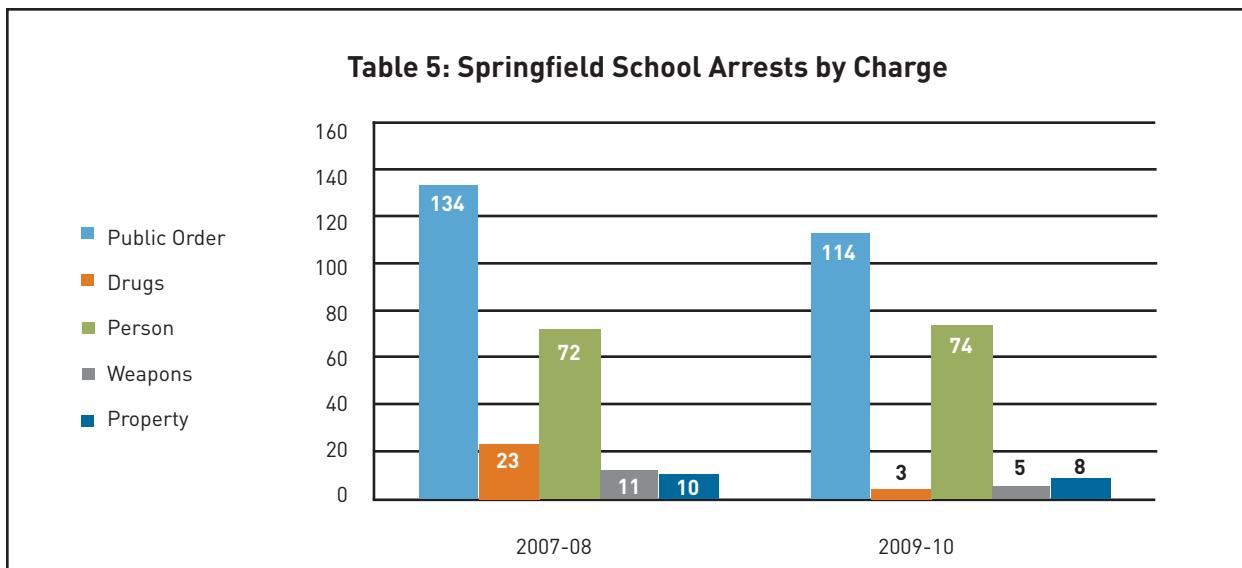
During the 2007-08, 2008-09 and 2009-10 school years, there were 325, 189 and 173 arrests, respectively. Thirty-eight percent (124) of the 2007-08 arrests were for public order offenses, as were 26% (50) of the 2008-09 arrests and 28% (47) of the 2009-10 arrests.<sup>48</sup>



Based on our examination of reports from the other districts, we suspect that a certain number of the person offense arrests should also be counted as public order offense arrests. In both Springfield and Worcester, about 25% of person offense arrests occurred after police officers or teachers scuffled with insubordinate or disrespectful students who refused to be handcuffed or taken into police custody. Because Boston did not produce the underlying arrest reports for each arrest, we cannot ascertain the number of such incidents in Boston's schools.

## **Springfield School Arrests**

In 2007-08, there were 251 student arrests for incidents that occurred during the school day on Springfield school property, 134 of which were for misdemeanor public order offenses. In 2009-10, there were 210 arrests, 110 of which were for misdemeanor public order offenses. Because of the steep fee requested by Springfield to produce redacted police reports for 2008–09, we decided not to obtain copies and have no data for that school year. More than one-half of the arrests in Springfield in 2007-08 and 2009-10 were for public order offenses.



Because we have Springfield's arrest reports for two academic years, we have descriptions of the events that resulted in the arrests. According to those reports, although a few public order offense arrests involved students who were so distraught that they were endangering the physical safety of those around them, most of the arrests occurred after students refused to follow the directive of a teacher, administrator or police officer in a verbally confrontational manner.

Between one-quarter and one-third of the events that led to arrests for person offenses in Springfield began as public order offenses but escalated after an officer or teacher attempted to take control of the student. Several involved aggressive efforts by police officers to handcuff students who did not want to be handcuffed, often in a public hallway or stairway in full view of the students' peers.

Students who swear at teachers, police officers and other adults are exhibiting disrespectful behavior that must be addressed. However, it is neither appropriate nor necessary to arrest them and charge them with a crime. 'Acting out' by adolescents frequently involves verbal defiance. Responding to such behavior with physical force and handcuffs, and, in some cases, incarceration and a full-blown court case, is not only extremely costly, but potentially traumatic. For youth who may be acting out as the result of underlying trauma or other mental health concerns, such a response may actually worsen and escalate the underlying anxiety that led to the problem behavior in the first place.<sup>49</sup>

**The following are typical examples of behavior for which Springfield students were arrested, as described in the police reports:**

In 2007, a boy at Kennedy Middle School was found with a cell phone in his book bag in violation of school policy. School administrators confiscated the phone and told the student that his mother would have to come to the school to retrieve it. The student then started “walking around the office” and stated that he needed his “f-cking phone.” The student was warned that he was becoming disruptive, but continued to swear and state that he needed his phone. He was advised that he was going to be arrested, stated that he did not care, and was then handcuffed and told to sit down. He was charged with disturbing a lawful assembly.

In 2007, a boy at Central High School was suspended after refusing to go to class. He cursed as he was leaving the building, but subsequently changed his mind about leaving and stated, “I ain’t leaving it’s too far to walk.” He was arrested and charged with trespassing and disturbing a lawful assembly.

In 2009, in a hallway at the High School of Commerce, a police officer walked by a girl as she refused to identify herself to a teacher, swore at the teacher, and then attempted to walk away. When the officer asked the girl to stop and identify herself, she again refused, stating that she did not have any identification. She continued to try to walk away. The officer grabbed her, told her that she was under arrest, placed a handcuff on her right hand and struggled with her to get the handcuff on her left hand. Ultimately, he forced her to the floor “using an arm bar take down.” She was charged with disturbing a lawful assembly and resisting arrest.

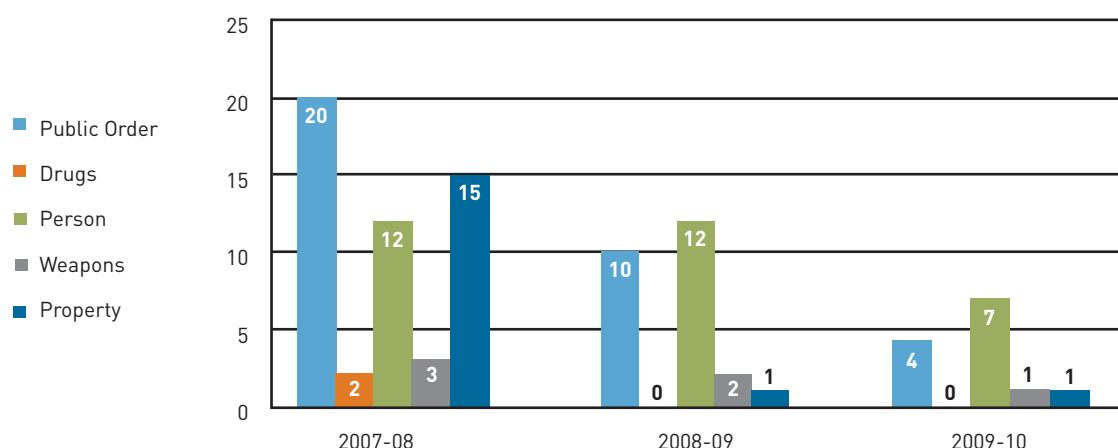
In 2007, at the Chestnut Accelerated Middle School, a group of students became upset while talking to an administrator. A boy allegedly began to get loud and stated: “This is f-cked up. ... We didn’t do anything.” When the student’s mother arrived at the school in response to a call from school administrators, the student became “highly upset and refused to talk to anyone” and began to walk away. When the officer approached the student to take him into custody, the student pushed the officer away and took a combative stance. The officer continued to attempt to subdue the student, struggling with him in such a way that they both fell to the floor. The student was arrested and charged with assault and battery and disturbing a lawful assembly.

In 2010, in a hallway at Central High School between classes, a police officer asked a student to stop, believing that an administrator was looking for her. She ignored him and started to walk up a flight of stairs. He pursued her, at which point she allegedly swore, refused to go with him, stated that she was going to her next class, and continued to walk away. The officer attempted to grab her by the arms so that he could handcuff her. She tried to pull away, striking him in the face. They continued to struggle and stumbled backwards down the stairs into a crowd of students. The student was charged with assault and battery on a police officer, disturbing a lawful assembly and resisting arrest.

## **Worcester School Arrests**

Of the three districts, Worcester had the lowest rate and number of arrests for misbehavior at school during the school day and the lowest percentage of arrests for public order offenses during each of the three years covered by this report. During the 2007-08, 2008-09 and 2009-10 school years, it had a total of 52, 25 and 13 arrests, respectively. Forty percent of the arrests in 2007-08 and 2008-09 and 30% of the 2009-10 arrests were for public order offenses. We do not know how many arrests resulted in felony as opposed to misdemeanor charges.

**Table 6: Worcester School Arrests by Charge**



The events that resulted in public order arrests were similar in nature to those that resulted in public order arrests in Springfield. While some involved students who were so agitated that they were perceived as dangers to themselves and those around them, others simply involved students who refused to obey directives given by teachers or administrators or responded in a disrespectful, inappropriate and/or confrontational manner. Roughly one-quarter of the person offense arrests started as public order offenses and escalated after a teacher or police officer unsuccessfully attempted to subdue the student.

**The following are typical examples of behavior for which Worcester students were arrested, as described in the police reports:**

In 2010, an officer present at Burncoat Middle School to participate in mediation overheard a female student call a vice principal a “stupid f-cking bitch.” The vice principal responded by stating: “No, you did not just call that to me.” After trying to run away from the vice principal down a crowded hallway and later rolling her eyes at the vice principal, the student was arrested and charged with disturbing a lawful assembly.

In 2010, an officer at Burncoat High School for other reasons was notified by the high school’s safety officer that a student was flicking a white cigarette lighter on and off in the in-house suspension room and refused to give it to the teacher. According to the police report, the student became belligerent and argumentative when the police officer asked him about the lighter. He was arrested and charged with disturbing a lawful assembly.

A 14-year-old special education student at Burncoat High School was arrested for acting out, refusing to calm down, and spitting on and trying to bite the police officer who attempted to restrain him. He was charged with assault and battery on a police officer, resisting arrest, disturbing a lawful assembly and disorderly conduct.

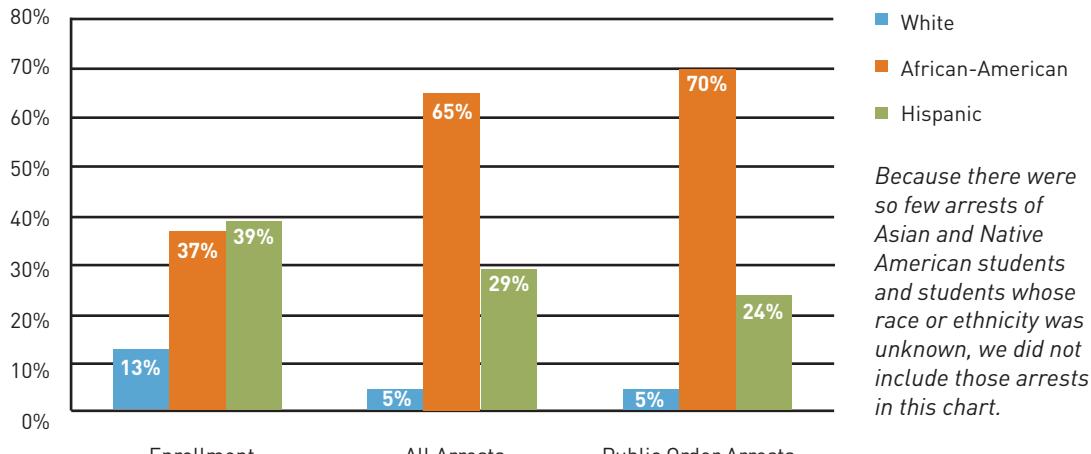
In 2008, an officer was called to Central Massachusetts Academy to assist with a 13-year-old student who had become uncooperative and disruptive. She had been asked to leave the school building but refused to do so, and threw a pencil at a staff member. She was charged with assault and battery, trespassing, disturbing a lawful assembly, and threatening to commit a crime.

## **Gender, Race, Ethnicity and Age of Arrested Students**

In all three districts, most of the students who were arrested were male: 80% in Boston and Worcester, and nearly all of the students arrested in Springfield.

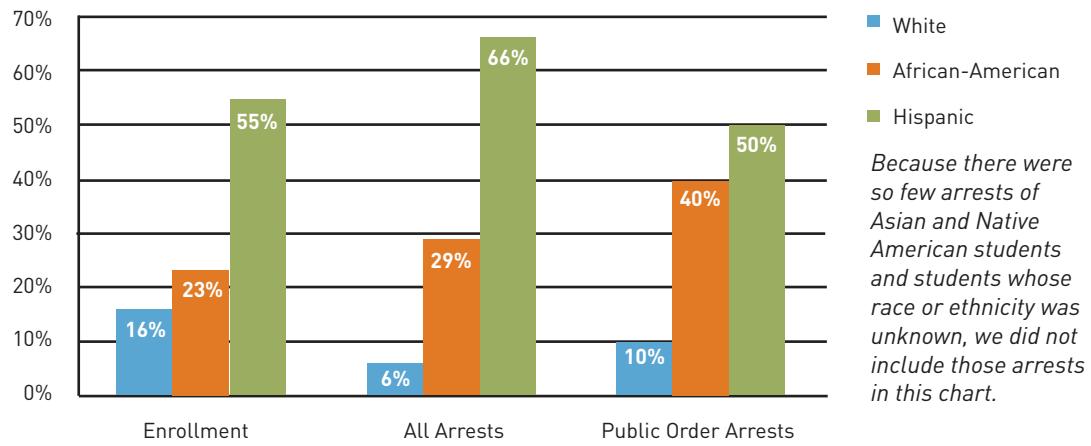
Although the 2008-09 and 2009-10 data for Boston indicated the race, ethnicity, age and gender of the arrestees, the 2007-08 data did not. In both 2008-09 and 2009-10, arrested students were disproportionately African-American. While African-Americans accounted for slightly more than one-third of the student body, they represented about 63% of all arrests and 70% of public order arrests.<sup>50</sup> We asked the Boston Public Schools and the Boston Police Department to comment on the reasons for this disparity, but they did not respond.

**Table 7: Boston, Race/Ethnicity of Arrestees v. Race/Ethnicity of Student Body 2008-09 and 2009-10**



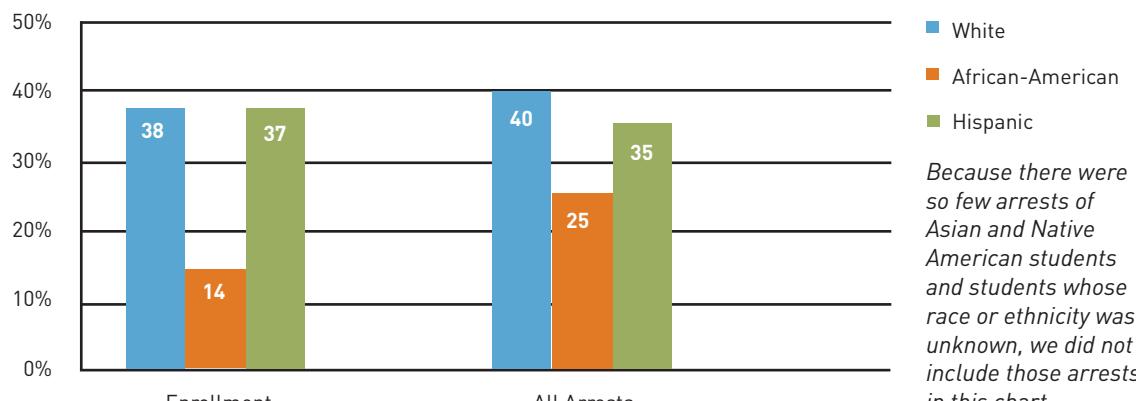
Arrestees in Springfield schools were, as in Boston, disproportionately African-American and Hispanic. As shown below, during the 2009-10 school year, Hispanics accounted for 55% of the student body, 65% of all arrests and 50% of public order arrests. African-Americans accounted for 23% of the student body, 29% of all arrests and 40% of public order arrests.

**Table 8: Springfield, Race/Ethnicity of Arrestees vs. Race/Ethnicity of Student Body 2009-10**



As in both Boston and Springfield, African-American students were over-represented among arrestees in Worcester. Approximately 25% of the arrestees were African-American. Yet, African Americans accounted for only 14% of the student body.

**Table 9: Worcester, Race/Ethnicity of Arrestees vs. Race/Ethnicity of Student Body 2009-10**



One troubling finding of our research was the very young age (as young as 11) at which some children are being arrested in schools for behavior which, while undesirable, is not normally regarded as criminal. In Boston, approximately 66% of all arrestees were between the ages of 14 and 16, and 8% (16 of 189) of arrests in 2008-09 were arrests of students 12 years old or younger. Four percent (7 of 173) arrests in 2009-10 were students 12 years old or younger. In Springfield, 60% of arrested students were between the ages of 14 and 16. During the 2007-08 school year, 7% (18) of arrests were of students who were 12 years old or younger. During the 2009-10 school year, 9% (19) of arrests were of students 12 years old or younger. Eighty percent of the students arrested in Worcester were males who were 15 years of age or older. Two arrestees were 11 years old.

The types of events that led to the arrests of the youngest students did not appear to be qualitatively different from those that led to the arrests of older students. If anything, the events were even more reflective of the kind of behavior and impulsiveness that is normally associated with angry children, not individuals who are charged with crimes:

- In 2007, an 11-year-old student at a middle school in Springfield, who apparently believed that he had been falsely accused of wrongdoing, walked through the school building, yelling “I did not do anything” and banging lockers. He was arrested after he was directed to calm down by a police officer, refused to do so, stated that he “didn’t care,” and threw his book bag.

- Also in 2007, a 12-year-old student at an alternative school in Springfield refused to leave the art room and go to the in-house suspension room. He had been asked to do so because he had poured a cup of water on another child's head. He was arrested after he again refused to leave the room, this time at the request of a police officer, yelled that he wasn't going anywhere and stated "F-ck this sh-t I'm outta here."
- In 2010, an 11-year-old student at the Chandler Magnet School-Academic Center for Transition in Worcester was disruptive in class, would not do his work, ran out of his classroom and ultimately the school, and while outside, threw a snow ball at a teacher, hitting her in the leg. He was arrested and charged with assault and battery on a public employee, disorderly conduct and disturbing a lawful assembly.

## Certain Schools Have Noticeably Higher Rates of Arrest

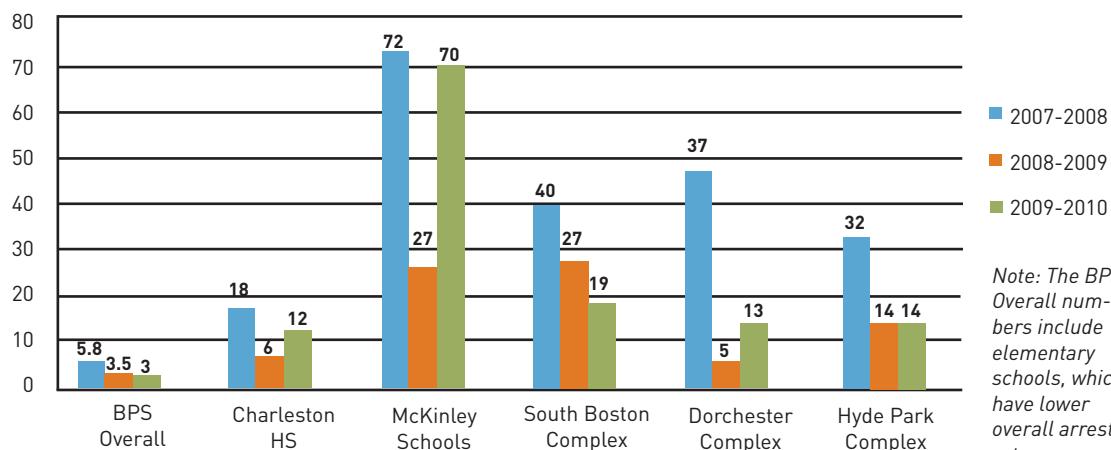
None of the schools in Worcester had an arrest rate that exceeded five arrests per 1,000 students. In Boston and Springfield, however, certain schools stood out as having egregiously high rates of arrest. In both districts, a number of the institutions with high arrest rates are schools that are supposed to serve students with emotional, behavioral or learning difficulties, raising serious questions about whether these students are receiving the services and education to which they are entitled.

**Students with diagnosed disabilities are entitled to a free and appropriate education under the Individuals with Disabilities Education Act (IDEA). High arrest rates could indicate that students are not receiving the education to which they are legally entitled.**

### **Boston:**

Of all of Boston's public schools, Charleston High School, the McKinley Schools, the South Boston Educational Complex, the Dorchester Educational Complex and the Hyde Park Educational Complex had high arrest rates as compared with Boston Public Schools overall.<sup>51</sup> Charleston High School, the McKinley Schools and the South Boston Educational Complex also had higher public offense arrest rates. During the 2009-10 school year, for example, there were 70 arrests per 1,000 students at the McKinley Schools, 19 per 1,000 students at the South Boston Educational Complex, 14 per 1,000 students at the Hyde Park Complex, 13 per 1,000 students at the Dorchester Educational Complex and 12 per 1,000 students at Charleston High School. The rates of public order offense arrests were also high: 26 public order arrests per 1,000 students at the McKinley Schools, 7 per 1,000 students at Charleston High School, 6 per 1,000 students at the South Boston Educational Complex and 3 per 1,000 students at the Hyde Park Complex.

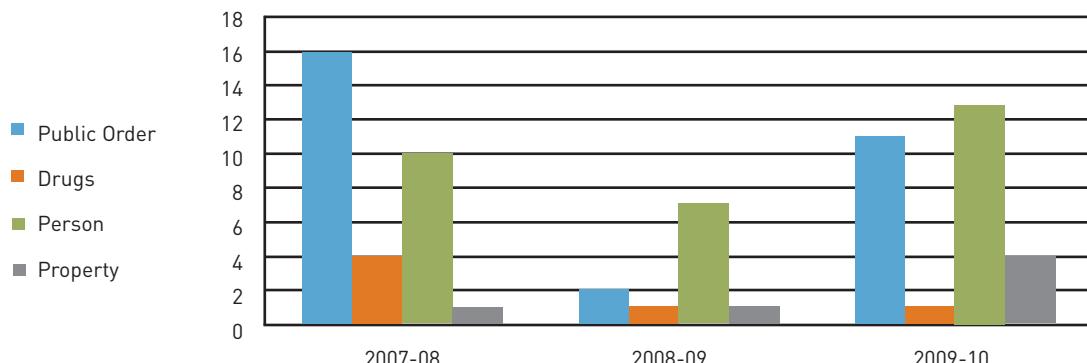
**Table 10: Comparison of Boston Schools with Large Number of Arrests Per 1,000 Students**



The McKinley Schools are a cluster of four special education day schools for students with emotional, behavioral and learning difficulties. They were designed “to combine in one program the requisite academic services with the social, emotional and behavioral supports and structures needed by [Boston’s most severely disabled students].”<sup>52</sup> Students are typically assigned to the schools through the Individualized Education Plan process mandated for students with disabilities by the federal Individuals with Disabilities Education Act (IDEA).

During the three years covered by this study, McKinley students accounted for less than 1% of Boston’s student body with between 410 and 430 students enrolled in grades K through 12.<sup>53</sup> Yet, they accounted for 5% of all Boston public school arrests made during the 2008-09 school year, 9% of those made during the 2007-08 school year and 17% of those made during the 2009-10 school year.

**Table 11: McKinley School Arrests by Charge**

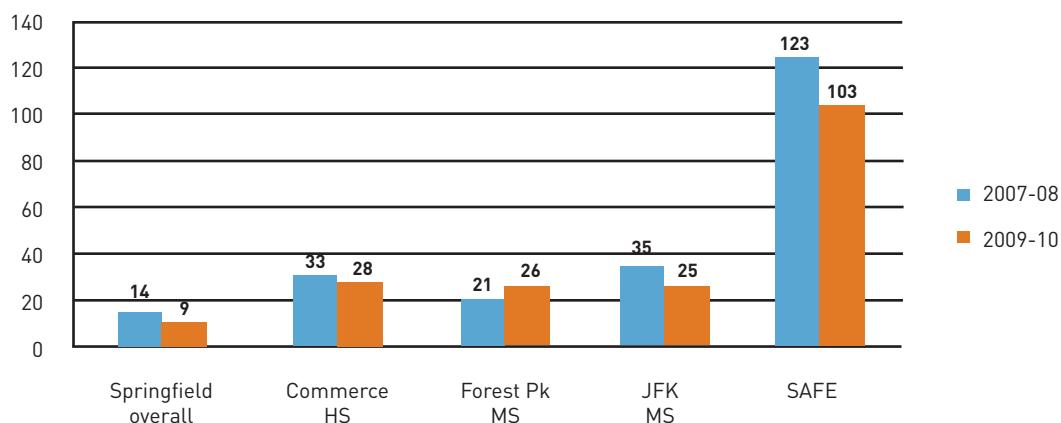


Although a full evaluation of the McKinley Schools is beyond the scope of this report, the fact that the arrest rate at those schools is three to four times higher than the school with the second highest arrest rate raises serious questions about the quality of the McKinley Schools' academic program, their behavior management systems, the teaching and administrative staff, and the appropriateness of the schools as placements for the students who attend them. Students with diagnosed disabilities are entitled to a free and appropriate education under the above-mentioned Individuals with Disabilities Education Act (IDEA). High arrest rates could indicate that students are not receiving the education to which they are legally entitled.

### **Springfield**

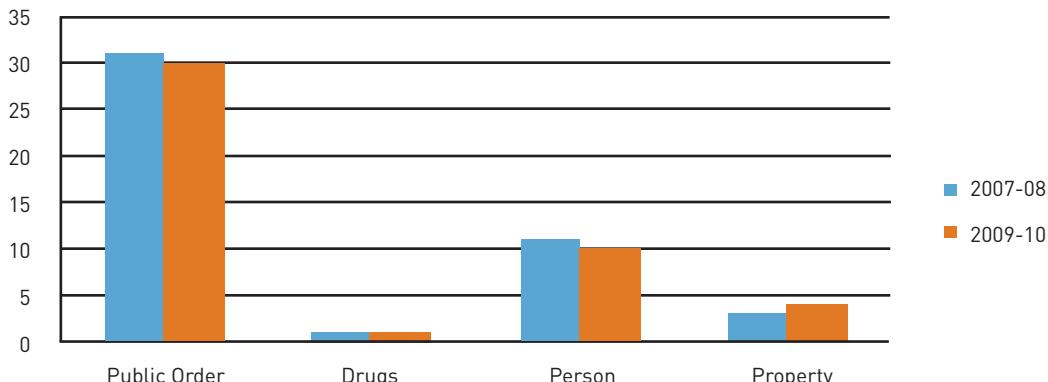
As in Boston, the Springfield schools with the highest arrest rate for all types of offenses and for public order offenses were the constellation of schools for students with behavioral, emotional and learning difficulties—the nine schools known as The Springfield Academy for Excellence, or more informally, the S.A.F.E. schools.<sup>54</sup> Students at these schools were over ten times more likely to be arrested than students at other Springfield schools.

**Table 12: Springfield Schools with Greatest Number of Arrests per 1,000 students**



Roughly two-thirds of all arrests at the S.A.F.E. schools in both 2007-08 and 2009-10 were for public order offenses. In fact, more than 25% of all public order arrests in the Springfield schools in 2009-10 were made at a S.A.F.E. school.

**Table 13: Offenses Resulting in Arrests,  
Springfield S.A.F.E. Schools**



Again, while a thorough evaluation of the S.A.F.E. schools is beyond the scope of this report, the Massachusetts Department of Elementary and Secondary Education should immediately and aggressively intervene and determine why the schools are relying to such an extent on the Springfield Police Department to control their student body and whether these students are receiving the services to which they are entitled under the IDEA.<sup>55</sup>

## Discussion of Findings

As noted earlier, the three districts profiled in this report all face significant challenges, including higher numbers of poor students and students with special education needs than the statewide average. These districts also struggle with issues related to academic performance, as evidenced by their lower graduation rates and MCAS scores.

It must be emphasized that the presence of larger numbers of students who are poor or require additional services does not explain or justify the striking overuse of public order offense arrests, the disproportionate use of arrest against students of color (in particular the use of “public order” offense arrests), or the incredibly high rates of arrest based on misbehavior in schools that are allegedly designed to provide services for exactly the type of student who might be expected to act out.

The Worcester public schools, like the schools in Springfield, have higher numbers of special education students and poor students than the statewide average, yet have significantly lower arrest rates than the other districts. These factors alone cannot explain the high rates of arrests in Springfield or the inequitable results of the policing practices in Boston and Springfield.

Although a number of factors may contribute to the arrest rate in each of the three districts, our research indicates that the manner in which each district deploys police officers in its public schools is clearly one of them. Springfield is the only school district to have permanently stationed in its schools police officers who are armed, uniformed and not accountable to school officials. Boston employs its own safety officers who are on site and who have limited arrest powers, while Worcester does not have any law enforcement officials on site. This study underscores the findings of national assessments: schools that deploy officers on site have higher arrest rates, often for behaviors traditionally dealt with by school administrators.

## **Using Arrest for Issues that Are More Appropriately Handled by Schools Causes Long-Term Harm to Schools, Children and Communities**

Nationwide research demonstrates that the overreliance on school-based police—and arrest in particular—undermines students' feelings of security and safety, and furthers the criminalization process described by the term 'school-to-prison pipeline.' It simultaneously discourages the use of more positive, evidence-based discipline models that result in better outcomes for youth and schools.

As noted in this report, a number of the police officers currently placed in our schools appear to lack training that would prepare them to be effective mentors to young people, in particular training in basic child or adolescent development and child focused conflict de-escalation. Based on the incident reports we reviewed for Springfield, officers in those schools often appeared to respond to argumentative or upset youth with aggressive, physical restraint that escalated, rather than resolved, conflicts.

The use of arrest also fundamentally disrupts educational progress, propelling young people out of school and into our juvenile or adult criminal justice system.

Inappropriate treatment of students by SROs has been documented across the country by The Advancement Project.<sup>56</sup> The presence of armed, inadequately trained police officers in schools who are permitted to use physical force against students, including disabled or mentally ill students, is troubling from a moral, as well as legal, perspective.

The use of arrest also fundamentally disrupts educational progress, propelling young people out of school and into our juvenile or adult criminal justice system.<sup>57</sup> A recent analysis of five states based on data in the National Juvenile Court Data Archive found that in four of the states studied, referrals from schools made up a greater portion of all referrals to juvenile courts in 2004 than in 1995, despite the fact that overall caseloads in the juvenile courts declined during the same period. In three of the states more than 10% of all juvenile court referrals were from schools.<sup>58</sup>

In many school districts, an arrest or referral to the courts results in suspension or expulsion from the school. This can have a profound effect on future life outcomes, as students often find it difficult to make up the work they have missed and re-engage in school activities. In Massachusetts, where all seventeen year olds are automatically treated as adults for all offenses, an arrest can also mean the creation of a permanent, adult criminal record as well as incarceration alongside adult criminal offenders.

Whether it is accomplished through arrest or other unnecessary, out-of-school discipline policies, steering young people from schools to prisons harms everyone. Incarceration puts youth at significantly greater risk of suicide and abuse. It is expensive, costing some communities on average of over \$240 per day per youth. In addition, young people who enter the juvenile or adult criminal justice system are more likely to drop out of school and face additional consequences, including difficulties getting a job, going to college, or losing a driver's license.<sup>59</sup> All of these factors significantly decrease the chances that a young person will grow into a responsible, tax-paying member of society.

Relying on arrest to solve school discipline issues also takes the responsibility away from school teachers and administrators to address and shape student behavior. Police and school officials we spoke with repeatedly emphasized that the most critical factor in creating safe, orderly schools was not the presence of police, but the engagement of school administrators. Police in particular acknowledged that arrest was not a useful way to address underlying discipline issues, one noting that you "can't arrest yourself out of [disciplinary] problem[s]." Others noted that dramatic inconsistencies existed between schools with regard to the strength of their leadership or their overall approach to discipline.

Consistent with other research,<sup>60</sup> our study found that police faced pressure from school staff to deal with issues that should have been dealt with in the classroom; in one case reported to us, police were asked to arrest for a student who had thrown a cheeseburger. In Springfield, schools reportedly resisted being held responsible for *any* student discipline issues in negotiating their Memorandum of Understanding with the police. This suggests that at least in some schools, the presence of the police is undermining school culture and the leadership role schools have traditionally taken in matters of student discipline.

Focusing funding and attention on police in schools instead of on the overall school climate diverts scarce resources away from alternative disciplinary tools that are less harmful to youth and which, in the long run, would promote healthier, safer school communities. In both Boston and Springfield, the amount spent on school safety dwarfs other expenditures, such as money for professional development, reading programs, counseling or psychological services, athletics/physical education, and other student support services or programs.<sup>61</sup> Reallocating even a small portion of these funds to programs that are designed to support and hold accountable youth *in school*, rather than forcing them out of school, could go a long way to preventing the flow of children into our juvenile or adult criminal justice systems.





To the extent that police officers are involved in schools, responsibilities between school staff and police departments should be clearly delineated to ensure that school staff remain responsible for all school discipline issues, and to emphasize that arrest is not an acceptable method for dealing with disruptive students.



Top: istockphoto/Michael Luhrenberg; Bottom: istockphoto/James Brey

## V. RECOMMENDATIONS

Schools, districts, police officers, state and city officials, parents and students all have a role to play in making our schools safe while also ensuring that children are not funneled into the criminal justice system. The recommendations listed below are directed toward achieving that goal.

1. Districts should ensure that calling upon police officers with the power to arrest is always viewed as a last resort by replacing permanent in-school officers with “on-call” officers who can immediately respond to truly serious events. Money now spent on in-school police should be reallocated to schools to give them the flexibility to develop in-school alternatives to arrest and to hire trained personnel to provide leadership on disciplinary matters and related concerns, such as mental health issues or inadequate staffing.
2. Districts should develop policies and programs to improve school climate, including policies to help staff distinguish between schoolhouse behavior problems and more serious offenses, and in-school intervention programs to address student misbehavior.
3. To the extent that police officers are involved in schools, responsibilities between school staff and police departments should be clearly delineated to ensure that school staff remain responsible for *all* school discipline issues, and to emphasize that arrest is not an acceptable method for dealing with disruptive students. There should be qualification and training requirements for all school-based officers, as well as policies to prohibit the use of catch-all public order offenses as a basis for arrest.
4. Localities should designate an individual in each school district to collect and make public comprehensive statistical data about school-based arrests or other referrals to law enforcement, including the underlying justification for all arrests (i.e. public order, assault, drug, etc.), and the age, race/ethnicity, gender, and disability status of arrestees. Federal, state and local officials, as well as parents and other community members, should hold schools accountable for failing to address unreasonably high arrest rates or using arrest to exclude, disproportionately, students of color or students with disabilities.
5. Districts, state and federal officials should immediately investigate and address the clearly disproportionate use of arrest against youth of color and students attending therapeutic schools, many of whom are arrested for behavior that appears to be a manifestation of their disability. The use of arrest to remove, disproportionately, students of color and disabled students from Massachusetts schools raises serious legal and fairness concerns and must stop now.

...the most critical factor in creating safe, orderly schools [is] not the presence of police, but the engagement of school administrators.



istockphoto/Matty Symons

## **APPENDIX**

### **Methodology for Obtaining and Analyzing Arrest Data**

#### **1. Using the Massachusetts Public Records Law**

Obtaining arrest data was difficult. Our initial goal had been to analyze data and police reports pertaining to school-based arrests made in each district during three consecutive academic years. The Massachusetts Public Records Law requires government agencies to make available to the public records created and maintained in the normal course of business unless those records fall within one of the exemptions set forth in the Law. It further permits the custodian of the records to charge the requester a reasonable fee to recover the costs of producing the documents.<sup>62</sup> Arrest data, including the narrative reports completed by law enforcement officers at the time of arrest, does not fall within an exemption.

We requested arrest data and reports from the Boston Public Schools and the Springfield and Worcester Police Departments in 2007 and 2008 and again from the Boston, Springfield and Worcester Police Departments in 2010. One agency denied collecting or maintaining the data, forcing us to file a lawsuit to compel it to comply with our request. Another told us that it would produce the requested materials but only if we paid it \$40,000. A third asked for a total of \$10,000 to respond to two requests.

Unwilling to pay in excess of \$50,000, we narrowed our requests, abandoning our efforts to obtain any arrest reports from Boston and limiting our request for Springfield arrest reports to two years, rather than three. In total, we paid approximately \$8,000 to the three police departments and the Boston Public Schools and in exchange received the documents listed below. It took the agencies between 1 and 18 months to respond to the requests.

The following was provided:

- From the Boston Public Schools, a list of the arrests made and criminal complaints filed in response to incidents at the Boston public schools during the 2007-08 academic year, disaggregated by date and location of arrest or incident, type of offense and gender of arrestee;
- From the Boston Police Department, a list of the arrests made at Boston Public Schools during the academic years of 2008-09 and 2009-10, disaggregated by date of arrest, race, gender and age of arrestee, type of offense and location and name of school at which arrest was made;
- From the Worcester Police Department, a list of the arrests made at the Worcester public schools during the 2007-08 academic year, disaggregated by race, gender and age of

arrestee, date, location and time of arrest, type of charge, and type of incident that gave rise to the charges; similar lists of the arrests made during the 2008-09 academic year and the arrests made during the 2009-10 academic year; and copies of police reports describing the arrests made during the 2008-09 and 2009-10 academic years; and

- From the Springfield Police Department, arrest reports and incident reports documenting arrests made and incidents that occurred at the Springfield Public Schools during the 2007-08 academic year and arrest reports and incident reports documenting arrests made and incidents that occurred during the 2009-10 academic year.

Any information that would have permitted us to identify the arrestee had been redacted from the data we received. As a result, we know the number of arrests but do not know whether some students were arrested multiple times in any given year or over the course of the three years.

## **2. Excluding Data Outside the Scope of Our Analysis**

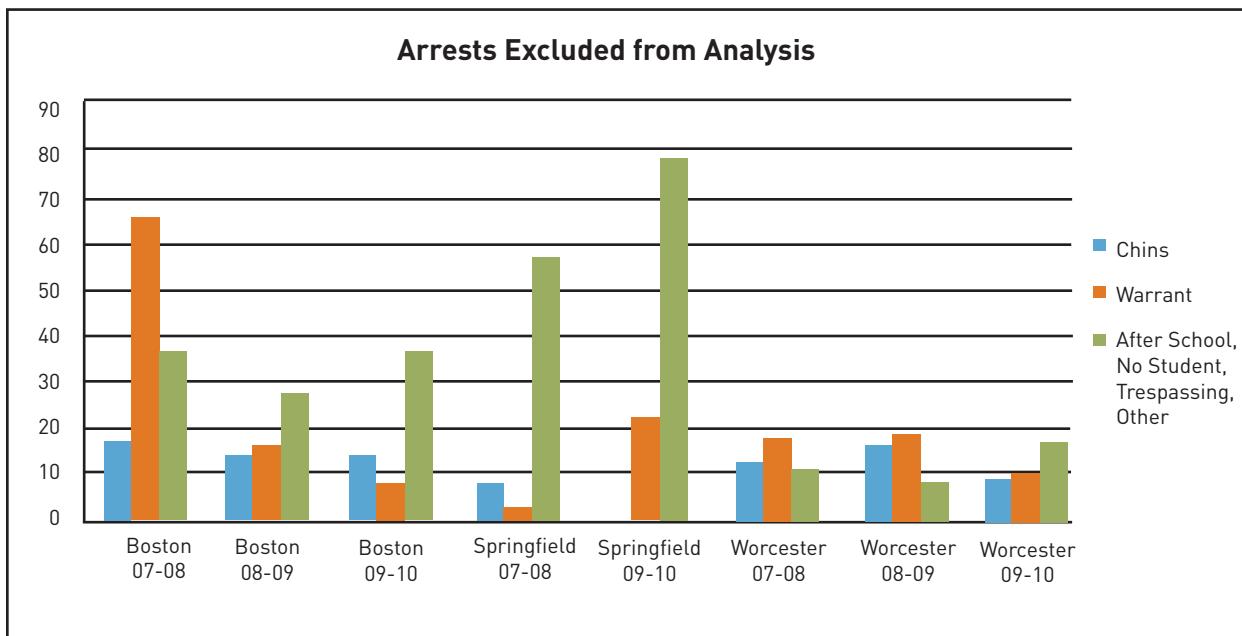
Because our report only examines the arrests of students for events that transpired at school during the school day, we excluded from our analysis certain of the above documents.

We excluded data regarding Boston complaints and Springfield incident reports because we could not confirm that any of them had resulted in actual arrests.<sup>63</sup> Under Massachusetts law, an officer may arrest a student accused of a felony so long as the officer finds there is probable cause to believe that the student committed the offense, but may only arrest a student accused of a misdemeanor offense for a limited number of offenses specified by law or if the officer personally witnesses the student commit the offense. In those cases where an arrest is not made at the time of an alleged offense, an officer or alleged victim can file an application for a complaint in court and the student will receive a summons to attend a clerk's hearing. If probable cause is found, a formal complaint is issued and the student is formally charged in court. We do not know which complaints or incidents that occurred at these schools ultimately resulted in an arrest or prosecution in court.

In Springfield, officers used incident reports to document complaints received from third-parties that could result in an arrest or an application for a complaint in the juvenile court, to document events that they consider "suspicious" and to notify their Department about certain non-criminal occurrences.<sup>64</sup> Again, we had no information as to whether any third-party complaints or "suspicious" incidents complaints resulted in an arrest.

We also excluded arrests that were made at a public school but were made: (a) pursuant to a CHINS petition or a warrant in a CHINS case or for a probation violation or a previous offense; (b) for activities that occurred off school grounds; (c) for activities on school grounds but after school hours; and (d) for activities on school grounds during the school day that did not involve students from that particular school. We were able to confirm which arrests to exclude from the Springfield documents and which to exclude from 2008-09 and 2009-10 Worcester documents by reading the arrest

reports themselves. With respect to the Boston and 2007-08 Worcester data, we excluded any arrest for which the offense listed was “CHINS,” “WARRANT,” “SERVICE TO OTHER PD INSIDE OF MA,” “TRESPASSING,” or an offense that appeared, by its description, to have occurred off school property, such as “ROBBERY-UNARMED-STREET.”



We were left with the following arrests of students for behavior at school during a school day:

#### **Number of Arrests that Formed Basis of Report’s Findings**

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
<b>Boston</b>	325	189	173
<b>Springfield</b>	251	n/a	210
<b>Worcester</b>	49	25	13

### **3. Categorizing the Remaining Arrest Data**

A cursory review of the arrest data revealed that different police departments and officers used different charges when categorizing offenses. Officers in Boston, for example, frequently charged disruptive or unruly students with “affray.” Officers in Springfield, however, charged such students with “disturbing a lawful assembly.”

To compare arrests across districts, we grouped offenses into one of five categories: public order, person, property, drug and weapons. Public order charges included “affray,” “disorderly person,” “disturbing a lawful assembly,” and “threat to commit a crime.” Person charges included all assault-related charges, including “assault and battery,” “simply assault,” “assault with a deadly weapon,” “assault and battery against a public official,” and “assault and battery against a police officer.” Property charges include “armed robbery,” “unarmed robbery,” “graffiti,” “destruction of property,” “tagging,” and “larceny.” Drug charges included possession and intent to sell offenses.

The Boston arrest data listed a single offense for each arrest. The Springfield and Worcester data, however, listed between one and four charges for each arrest. Where there were multiple charges, any arrest where one of the charges included possession of a weapon, regardless of what the other offenses were, was listed in the “Weapons” category. Any arrest that did not include a weapons offense but included a drug offense was included in the “Drug” category—again regardless of what the other charges were. Any arrest that did not include either a weapons or drug offense but included an assault charge was included the “Person” category. Any arrest that did not include a weapons, drug or assault charge but included a property charge was included in the “Property” category. Any arrest that did not include a weapons, drug, person or property charge was included in the “Public Order” category.

#### **4. Obtaining Information on the Deployment of Police Officers**

To determine the manner in which police officers were deployed in the public schools, we obtained, again through Massachusetts’ Public Records Law, copies of relevant policies and procedures. In addition, we spoke to various school administrators and police officials and officers in each of the three districts.



## ENDNOTES

- 1 See, e.g., Massachusetts Appleseed Center for Law and Justice, *Keep Kids In Class: New Approaches to School Discipline* (January 2012); American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, AMERICAN PSYCHOLOGIST, Vol. 63, No. 9, at 852-62 (Dec. 2008), available at [www.apa.org/pubs/info/reports/zero-tolerance.pdf](http://www.apa.org/pubs/info/reports/zero-tolerance.pdf) (last viewed on Sept. 25, 2011) (hereinafter “APA Zero Tolerance Task Force”).
- 2 In Massachusetts, *all* seventeen year olds, regardless of how minor the offense, are processed in the adult criminal justice system.
- 3 Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, JUSTICE QUARTERLY, vol. 23, Issue 4 (2006).
- 4 Centers for Disease Control, *Health Risk Behaviors Among Adolescents Who Do and Do Not Attend School: United States, 1992*, Prevention Morbidity and Mortality Weekly Report, 43: (08) (March 4, 1994); see APA Zero Tolerance Task Force, *supra*.
- 5 *Cradle to Prison Pipeline Factsheet Colorado*, Children’s Defense Fund (Mar. 2009), available at Cradle-prison-pipeline-colorado-2009-fact-sheet.pdf (last viewed on Sept. 25, 2011). See generally, Christopher C. Weiss, E. Christine Baker-Smith & Vanessa G. Ohta, *The Added Cost of Education after Arrest*, to Community and Student, (Institute for Social and Economic Research and Policy, Columbia University), available at [www.aefpweb.org/.../Weiss%20Baker-Smith%20Ohta%202011\\_0.pdf](http://www.aefpweb.org/.../Weiss%20Baker-Smith%20Ohta%202011_0.pdf), (last viewed on Sept. 25, 2011).
- 6 See further discussion in the Appendix.
- 7 Each of the three districts profiled in this report has a legal obligation to keep and report accurate data on both referrals to law enforcement and school-based arrests as part of the U.S. Department of Education’s Civil Rights DataCollection survey, and to track this information by race/ethnicity, gender, and disability status (but not age). Despite this requirement (which was adopted for the most recently published survey, for the 2009-10 school year), it does not appear that Springfield or Worcester is accurately reporting this data to the federal Office of Civil Rights. Worcester, for example, did not report any arrests or referrals to law enforcement. Springfield also reported no arrests, and only 75 “referrals to law enforcement,” far lower than the 210 arrests documented by our own research for the same school year. [See further discussion regarding Boston data at endnote 50]. Because the survey does not require schools to report the underlying basis for the arrest or referral, the OCR data, by itself, is less useful in uncovering the inappropriate use of arrest to deal with routine school disciplinary matters. See generally <http://ocrdata.ed.gov/DistrictSchoolSearch>.
- 8 National Association of School Resource Officers, *About NASRO*, available at <http://www.facebook.com/NASRO.org?sk=info>.
- 9 Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Dep’t of Justice, *OJJDP Fact Sheet: School Resource Officer Training Program* (2001).
- 10 Lawrence F. Travis, III & Julie Kiernan Coon, *The Role of Law Enforcement in Public School Safety: A National Survey* 19-20 (2005).
- 11 Johanna Wald and Lisa Thurau, *First Do No Harm: How Educators and Police Can Work Together More Effectively to Preserve School Safety and Protect Vulnerable Students*, Charles Hamilton Houston Institute for Race & Justice (March 2010), at 1.
- 12 For example, since 1999 the COPS in Schools grant program of the U.S. Department of Justice Office of Community Oriented Policing Services has awarded over \$750 million to more than 3,000 grantees, resulting in the hiring of more than 6,500 SROs (Office of Community Oriented Policing Services, 2008).
- 13 As defined by the Survey, theft includes purse snatching, pick pocketing, all burglaries, attempted forcible entry, and all attempted and completed thefts except motor vehicle thefts. Theft does not include robbery in which threat or use of force is involved. Violent crimes include serious violent crimes and simple assault. Serious violent crimes include rape, sexual assault, robbery and aggravated assault. National Center for Education Statistics, *Indicators of School Crimes and Safety* (2010), at 15, n. 1, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/iscs10.pdf> (last viewed on Dec. 9, 2011) [hereinafter “National Center for Education Statistics, *Indicators*”].
- 14 Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (Nov. 2011) available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_executesummary.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_executesummary.pdf) (last viewed on Dec. 9, 2011) citing National Center for Education Statistics, *Indicators* at Table 2.1 (hereinafter “Justice Policy Institute, *Education Under Arrest*”).

- 15 During the 2008-09 school year, for example, Philadelphia's public schools had a security force that was three times larger than that of 19 other Pennsylvania school districts combined, despite the fact that it had a far lower student enrollment. It also had an arrest rate that was up to 25 times higher than that of some other large districts in Pennsylvania. Advancement Project and Youth United for Change, *Zero Tolerance in Philadelphia: Denying Educational Opportunities and Creating a Pathway to Prison* (2011), at 15, available at <http://www.advancementproject.org/digital-library/publications/zero-tolerance-in-philadelphia-denying-educational-opportunities-and-creating-pathways-to-prison> (last viewed on Sept. 25, 2011).
- 16 A 2006 Florida study, for example, found that 76% of the roughly 30,000 students arrested for misbehaving at school had been charged with misdemeanor public order offenses or assault offenses stemming from school yard fights. Florida State Conference NAACP, Advancement Project & NAACP Legal Defense and Education Fund, Inc., *Arresting Development, Addressing the School Discipline Crisis in Florida* (Spring 2006), at 15, available at [www.advancementproject.org/sites/default/files/full%20report.pdf](http://www.advancementproject.org/sites/default/files/full%20report.pdf) (last viewed on Sept. 25, 2011) (hereinafter "Advancement Project & NAACP Legal Defense and Education Fund, *Arresting Development*"). A 2009 South Carolina study concluded that the single most common charge against a student referred to juvenile court for misbehaving at school was "disturbing schools." South Carolina Dep't of Juvenile Justice, *Annual Statistical Report 2008-09*, at 13 (Oct. 2009), available at [www.state.sc.us/djj/pdfs/2008-09-Annual-Statistical-Report.pdf](http://www.state.sc.us/djj/pdfs/2008-09-Annual-Statistical-Report.pdf) (last viewed on Sept. 25, 2011). A 2005 study of policing in Denver's schools found that 42% of law enforcement referrals during the 2003-2004 school year were for "other violations of code of conduct," which included being a member of an "unauthorized organization," destruction of non-school property, use of obscenities, use of slurs, bullying and minor fights. Advancement Project, Southwest Youth Collaborative, Children & Family Justice Center at Northwestern University School of Law, Padres and Jovenes Unidos, *Education on Lockdown: The Schoolhouse to Jailhouse Track* (2005), at 23-24, available at <http://www.advancementproject.org/digital-library/publications/education-on-lockdown-the-schoolhouse-to-jailhouse-track> (last viewed on Sept. 25, 2011). The same report found that of the over 8,000 Chicago public school children arrested in school, over 40% were arrested were for simple assaults and batteries which did not involve serious injuries or weapons and were often nothing more than threats or minor fights. *Id.* at 8.
- 17 Matthew P. Steinberg, Elaine M. Allensworth & David W. Johnson, *Student and Teacher Safety in Chicago Public Schools, The Roles of Community Context and School Social Organization* (Consortium on Chicago School Research at the University of Chicago, Urban Education Institute, Chicago, Ill.), May 2011, at 26 (hereinafter "Student and Teacher Safety in Chicago Public Schools"). See also M. Mayer & and P. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, EDUCATION AND TREATMENT OF CHILDREN [Aug. 1999], at 333-356. Elizabeth Sullivan & Damekia Moran, *Pushed Out, Harsh Discipline in Louisiana Schools Denies the Right to Education, A Focus on the Recovery School District in New Orleans* (National Economic and Social Rights Initiative & Families and Friends of Louisiana's Incarcerated Children, Spring 2010), at 20, available at <http://www.nesri.org/sites/default/files/Pushed%20Out.pdf> (last viewed on Apr. 5, 2011).
- 18 Justice Policy Institute, *Education Under Arrest* at 2.
- 19 Catherine Y. Kim & I. India Geronimo, ACLU: *Policing in Schools: Developing Governance Document for SROs in K-12 Schools* (August 2009), available at [http://www.aclu.org/files/pdfs/racialjustice/whitepaper\\_policinginschools.pdf](http://www.aclu.org/files/pdfs/racialjustice/whitepaper_policinginschools.pdf). Training should at least include: Child and adolescent development and psychology; Positive behavioral interventions and supports (PBIS), conflict resolution, peer mediation, or other restorative justice techniques; Children with disabilities or other special needs; and Cultural competency.
- 20 Peter Finn et al., *Comparison of Program Activities and Lessons Learned Among 19 School Resource Officer (SRO) Programs*, Abt Associates Inc. for National Institute of Justice (2005), 48.
- 21 *Id.* at 50.
- 22 Justice Policy Institute, *Education Under Arrest* at 11.
- 23 Russell J. Skiba, & Reece L. Peterson, *School Discipline at a Crossroads: From Zero Tolerance to Early Response*, EXCEPTIONAL CHILDREN 66, no. 3 (2000): 335-347; Russel J. Skiba & M. Karega Rausch, *Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness*, HANDBOOK OF CLASSROOM MANAGEMENT: RESEARCH, PRACTICE, AND CONTEMPORARY ISSUES, ed. Carolyn M. Evertson & Carol S. Weinstein (Mahwah, NJ: Lawrence Erlbaum Associates, 2006): 1063-1089; Johanna Wald, *The Failure of Zero Tolerance*, SALON [August 29, 2001].
- 24 *Student and Teacher Safety in Chicago Public Schools*, *supra*, at 46. Although African-American students accounted for 19% of the student body of Pinellas County, Florida during the 2004-05 school year, they accounted for 51% of school-based arrests. Advancement Project & NAACP Legal Defense and Education Fund, *Arresting Development*, *supra*, at 7. During the 2008-09 school year in Philadelphia, African-American students were three-and-one-half times more likely and Latino students were one-and-one-half times more likely to be taken into police custody than Caucasian students.

- 25 The disproportionate use of harsh disciplinary policies on youth of color may, in some cases, be the result of geography. The 2010 *Indicators of School Crime and Safety* found that school surveillance is concentrated in large, urban districts, which also tend to have high populations of youth of color, and other research has found that schools predominately attended by black and Latino students were more likely to have policies addressing violence (85%), firearms (97%), other weapons (94%), and drugs (92%) than white school districts (71%, 92%, 88%, and 83%, respectively). Schools with higher percentages of students of color are more likely to have random metal detector checks, random sweeps for contraband, and controlled access to school grounds. Justice Policy Institute, *Education Under Arrest* at 22.
- 26 *Id.*
- 27 Massachusetts State Report Card, 2009-10, available at <http://profiles.doe.mass.edu/profiles/general.aspx?topNavId=1&orgcode=00000000&orgtypecode=0&> (last viewed on Apr. 5, 2011).
- 28 Massachusetts Enrollment Data, 2009-2010, available at <http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00000000&orgtypecode=0&&fycode=2010> (last viewed on Dec. 8, 2011).
- 29 2009-2010 Massachusetts Enrollment by Grade Report – District Level, available at [http://profiles.doe.mass.edu/state\\_report/enrollmentbygrade.aspx?year=2010&mode=district&Continue.x=6&Continue.y=2](http://profiles.doe.mass.edu/state_report/enrollmentbygrade.aspx?year=2010&mode=district&Continue.x=6&Continue.y=2) (last viewed on Dec. 7, 2011).
- 30 *Id.*
- 31 Massachusetts Selected Populations Data, 2009-2010, available at <http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00000000&orgtypecode=0&leftNavId=305&&fycode=2010> (last viewed on Dec. 7, 2011); see also Massachusetts 2009-2010 Selected Populations Report – District Level, available at [http://profiles.doe.mass.edu/state\\_report/selected-populations.aspx?year=2010&mode=district&Continue.x=4&Continue.y=7](http://profiles.doe.mass.edu/state_report/selected-populations.aspx?year=2010&mode=district&Continue.x=4&Continue.y=7) (last viewed on Dec. 7, 2011).
- 32 2009-2010 Enrollment by Race/Gender Report – District Level, available at [http://profiles.doe.mass.edu/state\\_report/enrollmentbyracegender.aspx?year=2010&mode=district&Continue.x=4&Continue.y=9](http://profiles.doe.mass.edu/state_report/enrollmentbyracegender.aspx?year=2010&mode=district&Continue.x=4&Continue.y=9) (last viewed on Dec. 7, 2011); see also Massachusetts Selected Populations Data, 2009-2010, *supra*; see also Massachusetts 2009-2010 Selected Populations Report – District Level, *supra*. Students whose families' incomes are at or below 130% of the federally established poverty level are entitled to receive a free lunch while students whose families' incomes are between 130% and 185% of the poverty level qualify to receive a reduced-price lunch. Nancy McArdle, Theresa Osypuk and Dolores Acevedo-Garcia, *Segregation and Exposure to High-Poverty Schools in Large Metropolitan Areas: 2008-09*, diversitydata.org, Sept. 2010, at 12.
- 33 Massachusetts Tests of Spring 2010 Percent of Students at Each Performance Levels for State Totals, available at [http://profiles.doe.mass.edu/mcas/performance\\_level.aspx?linkid=32&orgcode=00000000&fycode=2010&orgtypecode=0&](http://profiles.doe.mass.edu/mcas/performance_level.aspx?linkid=32&orgcode=00000000&fycode=2010&orgtypecode=0&) (last viewed on Dec. 7, 2011).
- 34 Massachusetts 2010 MCAS Report for Grade 10 All Students, District Level, available at [http://profiles.doe.mass.edu/state\\_report/mcas.aspx](http://profiles.doe.mass.edu/state_report/mcas.aspx) (last viewed on Dec. 7, 2011).
- 35 Massachusetts Cohort 2010 Graduation Rates, available at [http://profiles.doe.mass.edu/grad/grad\\_report.aspx?orgcode=00000000&orgtypecode=0&](http://profiles.doe.mass.edu/grad/grad_report.aspx?orgcode=00000000&orgtypecode=0&) (last viewed on Dec. 8, 2011); see also Massachusetts 2010 Graduation Rate Report for All Students – District Level, available at [http://profiles.doe.mass.edu/state\\_report/gradrates.aspx](http://profiles.doe.mass.edu/state_report/gradrates.aspx) (last viewed on Dec. 8, 2011).
- 36 Ltr. from Amanda E. Walls, Staff Attorney, Office of the Legal Advisor, Boston Police Department, to Robin Dahlberg, ACLU, dated May 12, 2011.
- 37 Justice Policy Institute, *Education Under Arrest* at 3, citing Wald and Thurau (see #58 below).
- 38 Attachment to ltr. from Police Officer Alexandros J. Lalos, Springfield Police Department, to Amy Reichbach, Esq. ACLU, dated Nov. 15, 2007.
- 39 Scott S. Greenberger and Brian MacQuarrie, *Counselor Killed at School, 17-Year-Old Held After Argument Over a Jacket in Springfield*, BOSTON GLOBE, December 6, 2001, at B1.
- 40 Attachment to ltr. from Wendy L. Quinn, Assistant City Solicitor, City of Worcester, to Amy Reichbach, Esq., ACLU, dated Sept. 25, 2008.
- 41 *Id.*
- 42 *Id.*
- 43 See Boston Public Schools Budget FY 2012 (hereinafter "BPS Budget FY12") at 1, 16 (available at [http://www.bostonpublicschools.org/files/fy2012\\_bps\\_budget\\_documents\\_03\\_15\\_11\\_2.pdf](http://www.bostonpublicschools.org/files/fy2012_bps_budget_documents_03_15_11_2.pdf)); Springfield Schools Operating Budget FY2012 (hereinafter "SSOB FY12") at 55, 67-68 (available at <http://www.sps.springfield.ma.us/webContent/SPS%20FY%202012%20Budget.pdf>).

- 44 Worcester Public Schools Budget FY 2012 at 19 [available at [http://cfo.worcesterschools.org/modules/locker/files/get\\_group\\_file.phtml?gid=943960&fid=11961795&sessionid=1fe694e726a11dc7bb237816b4c55d89](http://cfo.worcesterschools.org/modules/locker/files/get_group_file.phtml?gid=943960&fid=11961795&sessionid=1fe694e726a11dc7bb237816b4c55d89)].
- 45 SSOB FY12 at 68.
- 46 We were able to speak with the following individuals: various members of the Worcester Police Department, the Worcester Public Schools' Safety Liaison, the Chief of the Springfield Police Department, the officer in charge of the Springfield school policing program, the Superintendent of Springfield's schools, the Superintendent of the Boston Public Schools and the Chief of its Department of Safety Services, the lieutenant in charge of the Boston Police Department's School Police Unit and a detective and several officers from that unit.
- 47 Public order charges included "affray," "disorderly person," "disturbing lawful assembly," and "threat to commit a crime." Person charges included all assault-related charges, including "assault and battery," "simply assault," "assault with a deadly weapon," "assault and battery against a public official," and "assault and battery against a police officer." Property charges include "armed robbery," "unarmed robbery," "graffiti," "destruction of property," "tagging," and "larceny." Drug charges included possession and intent to sell offenses.
- 48 According to Boston Public School officials, the decline in the number of drug arrests is largely in response to Massachusetts' passage of a law making the possession of an ounce or less of marijuana a civil infraction instead of a crime. See *Marijuana decriminalization law goes into effect*, Boston Globe, Jan. 2, 2009.
- 49 Massachusetts Advocates for Children, *Helping Traumatized Children Learn* (2005), at 35-36. Available at [http://www.massadvocates.org/documents/HTCL\\_9-09.pdf](http://www.massadvocates.org/documents/HTCL_9-09.pdf).
- 50 Recently published data available from the federal Office of Civil Rights reveals similarly disproportionate rates of arrest for African-American students in the Boston Public Schools. For example, 54% of the non-disabled students arrested in Boston were African-American (compared to 38.5% overall enrollment), and 52.6% of the students referred to law enforcement were African-American. The disproportionate arrest of African-American students was even worse when controlling for disability status: while African-American students constitute 46% of the students with disabilities population, nearly 70% of disabled students who are subject to arrest were African-American; disabled African-American students were roughly four times as likely to be arrested as their disabled white peers. See <http://ocrdata.ed.gov/Page?t=d&eid=30902&syk=5&pid=605>.
- 51 The South Boston, Dorchester and Hyde Park Educational Complexes consist of several small high schools located on a single campus that formerly housed one large high school. The South Boston Complex includes Monument, Excel and Odyssey High Schools; the Hyde Park Complex includes the Community Academy of Science and Health, the Engineering School and the Social Justice Academy; and the Dorchester Complex includes the Dorchester Academy and TechBoston Academy.
- 52 *In re Elizabeth and Boston Public Schools*, BSEA, #04-1509 (Bureau of Special Education Appeals), June 23, 2004, at 10.
- 53 Massachusetts 2007-2008 Enrollment by Grade Report, available at [http://profiles.doe.mass.edu/state\\_report/enrollmentbygrade.aspx?mode=district&year=2008&orderBy=TOTAL%20DESC](http://profiles.doe.mass.edu/state_report/enrollmentbygrade.aspx?mode=district&year=2008&orderBy=TOTAL%20DESC) (last viewed on Dec. 8, 2011).
- 54 According to a 2009 report by the Massachusetts Department of Elementary and Secondary Education, the S.A.F.E. schools serve students from kindergarten through 12<sup>th</sup> grade who require additional supports beyond a traditional school setting because of special educational, emotional or behavioral needs. The purpose of the schools is to provide an alternative setting for students in which to ensure that they have the skills necessary to move back into a mainstream educational environment or a less restrictive educational setting. *Springfield Academy for Excellence (SAFE)*, *Springfield Public Schools, School Review* (Mass. Dep't. of Elementary and Secondary Education, Malden, MA.), Sept. 2009, at 6, 13-14, available at <http://www.doe.mass.edu/sda/review/school/2009/02810506report.pdf#search=%22Springfield%22> (last viewed on Aug. 11, 2011) (hereinafter "Mass. Dep't. of Elementary and Secondary Education, SAFE").
- 55 Among other things, the schools do not appear to have enough staff with the appropriate training and experience. The website of the Massachusetts Department of Elementary and Secondary Education reports that in the 2007-08 school year, the S.A.F.E. schools had 373 students and 87 FTE teachers, only 29 of whom were special education teachers. In 2008-09, the schools had 31% more students but only 48 FTE teachers – or roughly 50% fewer than the preceding year. Less than 20% of these teachers were special education teachers. By 2009-10, the schools had approximately 485 students, but 91 FTE teachers, 42 of whom were special education teachers. Massachusetts Teacher Program Area Report by Full-time Equivalents, available at [http://profiles.doe.mass.edu/state\\_report/programareastaffing.aspx](http://profiles.doe.mass.edu/state_report/programareastaffing.aspx) (last viewed on Dec. 7 2011); Massachusetts Enrollment by Grade Report, available at [http://profiles.doe.mass.edu/state\\_report/enrollmentbygrade.aspx?year=2008&mode=school&Continue.x=7&Continue.y=8](http://profiles.doe.mass.edu/state_report/enrollmentbygrade.aspx?year=2008&mode=school&Continue.x=7&Continue.y=8) (last viewed on Dec. 7 2011).

A 2005 evaluation of the schools by the Massachusetts' Department of Elementary and Secondary Education found that the S.A.F.E. schools had no set curriculum and no academic focus. Although a 2009 update found that the schools had

made a number of changes, it also found that the S.A.F.E. elementary school had moved locations three times in three years and the S.A.F.E. middle school had moved four times. The S.A.F.E. elementary school had recently moved into a newly renovated building but had already outgrown that space; it did not have room for a library and teachers could not fit their desks into their classrooms. The S.A.F.E. middle school was in an old school building that was in need of renovation and did not have a cafeteria or a gym. Both schools had a limited number of working computers and limited access to instructional specialists, despite the fact that almost all students had learning difficulties. At the elementary school level, for example, there was no reading specialist. Mass. Dep't. of Elementary and Secondary Education, *SAFE*, *supra*. An investigation conducted by a team of reporters from 22News found that at the S.A.F.E. Middle School alone, there had been 29 reported assaults, 29 criminal complaints and three weapons found on students during the first four months of the 2010-2011 school year. A S.A.F.E. school parent told the investigators that she personally had witnessed several incidents of violence and that her child was afraid to talk to the other students. The Springfield Police Department blamed the violence on the students and the fact that the school had just moved into yet another new building. Laura Hutchinson & Jessica Stanley, *Reported assaults down at SAFE Middle, I-team follows-up with the Spfld SAFE schools*, 22WWLP.com, May 19, 2011, available at [http://www.wwlp.com/dpp/news/i\\_team/Reported-assaults-down-at-SAFE-Middle](http://www.wwlp.com/dpp/news/i_team/Reported-assaults-down-at-SAFE-Middle) (last viewed on Aug. 11, 2011).

- 56 Researchers at The Advancement Project found evidence that SROs had harassed students in multiple ways: students were hit with batons, stomped on, thrown into lockers, tasered, and handcuffed and placed in a room for hours.
- 57 In Massachusetts, all youth over 16 are treated as adults for all purposes under the criminal law. As a result, a 17 year old who is arrested will be automatically processed in adult court and may be detained or incarcerated alongside adult criminal offenders.
- 58 Justice Policy Institute, *Education Under Arrest* at 56, citing Michael P. Krezmien, Peter E. Leone, Mark S. Zablocki, and Craig S. Wells, *Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States*, Journal of Contemporary Criminal Justice, Volume 26, Number 3, August 2010, 273-293.
- 59 Justice Policy Institute, *Education Under Arrest* at 17.
- 60 See generally, Peter Finn et al., *Comparison of Program Activities and Lessons Learned Among 19 School Resource Officer (SRO) Programs* (2005), Johanna Wald and Lisa Thurau, *First Do No Harm: How Educators and Police Can Work Together More Effectively to Preserve School Safety and Protect Vulnerable Students*, Charles Hamilton Houston Institute for Race & Justice (March 2010).
- 61 See generally BPS Budget FY12, *supra*; SSOB FY12, *supra*.
- 62 William Francis Galvin, Secretary of the Commonwealth, Division of Public Records, *A Guide to the Massachusetts Public Records Law*, March 2009.
- 63 The school officers in the Boston Public Schools also complete incident reports in an effort to document "anything and everything" that they believe may be of interest to administrators. The administrators, in turn, use the incident reports to assess which schools within the district might need additional supports. We did not obtain any of these reports, but were told that during the 2010-11 school year, there were over 4,000.
- 64 Email from Patrick Greenhalgh, City of Springfield Law Dep't, to Robin L. Dahlberg, ACLU, dated July 8, 2011.

**“I believe that education is the civil rights issue of our generation...  
And if you care about promoting opportunity and reducing inequality,  
the classroom is the place to start.”**

—SECRETARY OF EDUCATION ARNE DUNCAN, OCTOBER 9, 2009

When students are taken from the classroom to the jailhouse for behavior that used to be addressed through in-school discipline, their access to opportunity is dramatically diminished. *Arrested Futures* examines school-based arrests at Massachusetts' three largest school districts—Boston, Springfield and Worcester—and evaluates which students are being arrested and why. The report finds that a large percentage of school-based arrests are for “public order offenses”—conduct that might be disruptive or disrespectful, but that most people would never consider criminal. Consistent with other research, the report also finds that students of color and disabled students are disproportionately subject to school-based arrests, and in particular to arrests based on disruptive behavior, not criminal activity. These findings are an important addition to existing research examining the “school-to-prison pipeline,” showing that students are being frequently arrested for minor, disruptive behavior that could be better addressed by school administrators, particularly in school districts that rely heavily on police officers in their schools.

