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A CONSERVATIVE AGENDA TO IMPROVE YOUTH POLICING IN SCHOOLS

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INTRODUCTION

Seventeen-year-old William Miller was simply trying to go to a morning dentist appointment, when two adults—a school resource officer and school discipline assistant—blocked off the exit and threatened him with suspension if his car proceeded further.[1] William explained that his absence was excused and that he could provide a note supporting the legitimacy of the excuse upon his return. But the officer and assistant continued to block the exit and tell him that, unless he got a parent on the line, he would be considered truant if he left.

At one point, body cam footage shows the teenager attempting to pull his car around the deputy's golf cart, only for the police officer to say, "You're going to get shot if you come another fucking foot close to me. You run into me, you'll get fucking shot." William does not proceed further, but the arguments between the 17-year-old and two adults continue for several minutes. Seemingly unbeknownst to them, William's mother had already called the school earlier to inform them of his absence and grant her permission. Nevertheless, River Ridge High School later suspended William for multiple weeks and then expelled him due to the incident. The adults involved faced no admonishments or repercussions for their behavior.

Incidents like these should cause all people to question the role and priorities of police who interact with children in school settings. After all, children are different from adults, and William's behavior, although perhaps immature, is far from unexpected. Developmental research (and any parent's anecdotal accounts) suggest youth, especially teenagers, are often highly-impulsive and risk-loving.[2] Given these facts, responses to their misbehavior—William's attempt to go around the golf cart in this instance—should be crafted with care and informed by youth development principles.

However, accounts like this, along with others in Miami and Chicago, demonstrate that this is not always how police-youth interactions are handled.[3] And, even the most well-intentioned police officers may cause more harm than good by unnecessarily introducing youth to the justice system, interacting with youth in a manner that leads to a negative impression or by exacerbating racial and ethnic disparities in the system.

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1. Katie Shepherd, "'You're going to get shot': Video shows school resource officer threatening student leaving campus with excused absence," *The Washington Post*, Feb. 10, 2020. https://www.washingtonpost.com/nation/2020/02/10/school-police-threat.

2. Richard Bonnie et al., "Reforming Juvenile Justice: A Developmental Approach," National Research Council, 2013, pp. 5 and 91-95. http://www.njjn.org/uploads/digital-library/Reforming_JuvJustice_NationalAcademySciences.pdf#page=22.

3. See, e.g., Colleen Wright, "A Miami school cop was shown on video threatening to shoot students. She's on leave," *Miami Herald*, Feb. 4, 2020. https://www.miamiherald.com/news/local/education/article239962773.html; David Struett, "School security guard pulled gun on student in Dolton, cops say," *Chicago Sun Times*, Dec. 6, 2018. https://chicago.suntimes.com/2018/12/6/18424178/school-security-guard-pulled-gun-on-student-in-dolton-cops-say.

Accordingly, this policy study seeks to provide an overview of the current state of policing within school settings. It will then focus on identifying conservative priorities for police to uphold in this context, acknowledging that schools and communities often ask police to do more than they are best equipped for or should do. And it will offer potential policy considerations for positive change.

THE CURRENT STATE OF YOUTH POLICING IN SCHOOLS

The History and Purpose of Policing in Schools

Police presence in schools can occur in a number of ways, but often falls into two broad categories: a request to the local police for a response or a permanent officer stationed within the school, known as a school resource officer (SRO). According to a 2015 report, approximately 44,000 officers (both SROS and other law enforcement) were in schools at least once a week during the 2013-2014 school year.[4] In states such as California, schools can have their own police force, separate and apart from the city or county, with the idea that they can more quickly respond to issues at educational institutions.[5] While in some places there is discretion about when police should be called to the scene, in others, the criminal code might spell out clearly when police (including an SRO) must be called.[6]

The concept of assigning police to work at specific schools is a relatively new idea that began in Flint, Michigan during the 1950s as part of a community policing initiative.[7] The concept was subsequently expanded nationwide in the 1990s through support from federal legislation, such as the Safe Schools Act of 1994 and an amendment to the Safe Streets Act of 1968, which authorized funding for today's "COPS in schools program" under the Department of Justice.[8]

Now, for a significant portion of school children in America, seeing a police officer during one's daily shuffle from class to class is part of a typical day. According to recent national survey data from the National Center for Education Statistics,

approximately 43 percent of all public schools reported having sworn law enforcement officers who routinely carried a firearm.[9] And, when assessing this rate at middle (60 percent) and high schools (71 percent) separately, one finds police officers in schools are even more common.[10] Even elementary students come into contact with police officers: In a 2015-2016 survey, 31 percent of elementary schools reported having a police officer who routinely carried a firearm.[11]

When used by Flint, Michigan in the 1950s, the purpose of these officers was to protect students and to prevent escalating levels of gun violence.[12] In later decades, they were also placed in schools to address racial tensions and drug-related problems.[13] In the wake of several high-profile mass shootings, school safety and security has risen to the forefront once again, and has led to greater numbers of school resource officers.[14] However, depending on the school, police department and individual officer, alongside their standard security role, SRO duties have grown to include counseling, mentoring and disciplining students. As one example, New York's Byron-Bergen Central School District notes that their SRO is expected "to maintain safety within the school district for students and staff," "to enforce the law," "to provide a positive role model and mentor for students," "to foster positive relationships between our youth and law enforcement" and to help problem solve student issues with school administrators, among other duties.[15]

The Impact of Police in Schools

The presence of police within schools may offer tangible benefits to kids, schools and the greater community. For example, last year, a Florida school resource officer with a background as a trained emergency medical technician helped save the life of an eighth-grade boy when his pacemaker suddenly quit working.[16] In Colorado, one school resource officer went over and above to serve a 7-year-old with cerebral palsy by building a strength training contrap-

4. Lucinda Gray et al., "Public School Safety and Discipline: 2013–14 First Look," National Center for Education Statistics, May 2015. https://nces.ed.gov/pubs2015/2015051.pdf.

5. Kayla Jimenez, "It's Not Always Clear Where School Police's Role Ends and SDPD's Begins," *Voice of San Diego*, Sept. 27, 2019. https://www.voiceofsandiego.org/topics/education/its-not-always-clear-where-school-polices-role-ends-and-sdpds-begins.

6. Ann O'Conner and Reece L. Peterson, "Calling the Police - Policy Q & A," University of Nebraska-Lincoln, June 2014. https://k12engagement.unl.edu/calling-the-police-policy#Q1.

7. Jennifer Counts et al., "School Resource Officers in Public Schools: A National Review," *Education and Treatment of Children* 41:4 (November 2018), p. 406. https://muse.jhu.edu/article/705290.

8. Ibid. See also, Community Oriented Policing Services, "Supporting Safe Schools," U.S. Dept. of Justice, last accessed Feb. 23, 2020. https://cops.usdoj.gov/supporting-safeschools.

9. National Center for Education Statistics, "Percentage of public schools with security staff present at least once a week, and percentage of staff routinely carrying a firearm, by selected school characteristics," U.S. Dept. of Education, September 2017. https://nces.ed.gov/programs/digest/d17/tables/dt17_233.70.asp.

10. Ibid.

11. Ibid.

12. Ibid.

13. Joseph Ryan et al., "The Growing Concerns Regarding School Resource Officers," *Intervention in School and Clinic* 53:3 (2018), p. 189. https://files.eric.ed.gov/fulltext/EJ1163923.pdf.

14. Stephanie Saul et al., "School Officer: A Job with Many Roles and One Big Responsibility," *The New York Times*, March 4, 2018. https://www.nytimes.com/2018/03/04/us/school-resource-officers-shooting.html.

15. "History & Role of the SRO," Byron-Bergen Central Schools, 2020. http://www.bbschools.org/HistoryoftheSRO.aspx.

16. Ryan Prior, "A school resource officer and a nurse saved a student after his heart stopped," CNN, Oct. 19, 2019. https://www.cnn.com/2019/10/19/health/officer-saves-boy-pacemaker-wellness-trnd/index.html.

tion to help the child build the leg muscle needed to walk on his own.[17]

School resource officers may also bring some benefits to school safety. For example, an empirical analysis published in 2017 found that federal grants for school police officers were "associated with a 1.1 percent to a 1.9 percent reduction in disruptive criminal incidents in schools" when assessing data reported by school administrators.[18] In fact, a few brave police officers have been credited with preventing the occurrence of several school shootings.[19] And, school disciplinary reports at a school in Hopkins, Minnesota fell substantially after local police began volunteering their time to play with children and model cooperative problem-solving during recess.[20]

But the presence of police in schools can also bring negative consequences for students. For one, scholarly work suggests that it can increase the likelihood of student discipline and contact with the justice system.[21] Moreover, a recent study found that greater federal funding of police in Texas schools was linked to increases in middle school discipline rates, particularly for low-income and black and Hispanic students.[22] On top of this, the study found that this federal funding was associated with reductions in high school graduation rates and college enrollment rates, with the author positing that this may be driven by factors such as the stigmatization of disciplined students or an altered school culture due to greater police presence.[23] In another study, schools in which students have regular contact with SROs were 1.38 to 1.83 times more likely to refer a child to law enforcement

for fighting or making threats (without a weapon), stealing or vandalism.[24]

To make matters worse, national estimates suggest black students as well as youth with disabilities are disproportionately negatively impacted by school reliance on police. In the 2015-2016 school-year alone, almost 300,000 students were either arrested or referred to law enforcement.[25] A quick assessment of this referral and arrest data shows that black or African-American children composed 31 percent of school referrals and arrests in the 2015-2016 school year while only making up 15 percent of the enrolled student population.[26] And, over 28 percent of students referred to law enforcement or arrested had an identified disability, yet students with disabilities only made up 12 percent of the enrolled student population.[27]

All of this is somewhat unsurprising. Although serving a myriad of roles within schools, police are still, by definition, sworn law enforcement personnel and are understandably concerned with enforcing the law. Indeed, a 2018 national survey of almost 400 SROs found that 41 percent of officers surveyed saw this as their primary role, with about 20 percent prioritizing safety and security first, 17 percent prioritizing mentoring first and 7 percent focused foremost on school discipline.[28]

Moreover, policy around policing in schools is often made without clear guidance or evaluation from state legislatures or executive branch departments. A study published in 2019 found that 26 states had passed no legislation addressing SRO training.[29] Only 15 states address memorandum of understandings between school and law enforcement entities to delineate the roles and responsibilities of each party when working to promote school safety.[30] Virtually no state surveyed in an early report mandated that all schools collect data around the demand for and impact of police in schools (West Virginia's and Wisconsin's education agencies did

17. "How an SRO is helping give a little boy the strength to walk," *PoliceOne*, Sept. 5, 2019. https://www.policeone.com/police-heroes/articles/how-an-sro-is-helping-give-a-little-boy-the-strength-to-walk-h1TnbofW1qeE89mG.

18. Emily Owens, "Testing the School-to-Prison Pipeline," *Journal of Policy Analysis and Management* 36:1 (2017), p. 30. https://escholarship.org/content/qt0b8976wk/qt0b8976wk.pdf.

19. Ted Gregory, "Outcomes in school shootings can differ wildly despite presence of resource officers," *Chicago Tribune*, May 18, 2018. https://www.chicagotribune.com/news/ct-met-school-shootings-resource-officers-20180518-story.html.

20. Community Oriented Policing Services, "Successful Practices & Strategies: Hopkins Police Department," U.S. Dept. of Justice, 2014. https://cops.usdoj.gov/pdf/CPOS/ss/Vol1No6Hopkins.pdf.

21. It is important to note that the impact of school resource officers on school referrals to law enforcement often differs according to school settings (rural, urban or suburban), school size (larger schools are often more likely to refer youth to law enforcement) and other school characteristics (levels of neighborhood crime, charter versus public, etc.). See Ryan et al., p. 190. https://files.eric.ed.gov/fulltext/EJ1163923.pdf; Jason Nance, "Students, Police, and the School-To-Prison Pipeline," *Washington University Law Review* 93b:4 (2016), pp. 967-73. https://www.researchgate.net/publication/316459570_Students_Police_and_the_School-To-Prison_Pipeline; and Owens, pp. 34-35. https://escholarship.org/content/qt0b8976wk/qt0b8976wk.pdf.

22. Emily Weisburst, "Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes," October 2018, p. 3. https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/PatrollingPublicSchools.pdf.

23. Ibid. p. 20.

24. Nance, p. 970. https://www.researchgate.net/publication/316459570_Students_Police_and_the_School-To-Prison_Pipeline.

25. Office for Civil Rights, "2015-2016 Civil Rights Data Collection: School Climate and Survey," U.S. Dept. of Education, May 17, 2019, p. 3. https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf.

26. Ibid., p. 3.

27. Ibid., p. 4.

28. "School Policing: Results of a National Survey of School Resource Officers," Education Week Research Center, 2018, p. 14. https://www.edweek.org/media/school-resource-officer-survey-copyright-education-week.pdf.

29. "Two Billion Dollars Later: States Begin to Regulate School Resource Officers in the Nation's Schools," Strategies for Youth, October 2019, p. 11. https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf.

30. Ibid., p. 12. https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf.

advise schools on how to conduct a data-based assessment of SROs).[31]

Perhaps this would be less of a problem if police were given the direction they needed by individual agencies or school systems. But not all police officers are. In fact, a 2018 national survey found that roughly a third of SROs received no specific instructions around what school disciplinary issues they should involve themselves in and what circumstances they should leave in the hands of capable administrators and teachers.[32] And, while three-quarters reported receiving training on working with youth, only about half had received training on working with special education students; and just over a third were trained on child trauma and the teen brain.[33] Given virtually unlimited discretion, these officers are left to act upon their own instincts, unaware of the unintended consequences. In practicality, this means that policing in schools is often defined by individual agencies and officers with little standardization across districts, and little knowledge about where and how officers can improve.

For these reasons, placing police officers in schools has been a mixed bag, met with conflicting reactions. National public outcry followed an incident in which an SRO body slammed an 11-year-old boy.[34] And previous poor interactions between police and children with disabilities often makes police presence in schools concerning for parents of youth with mental or physical disabilities.[35] Indeed, while increasing school safety is the priority for SROs, research suggests perceptions of safety among those impacted by their use often differs depending on whom you ask. To some, school police officers signal that there is more crime and danger in the community; to others, their role is unclear and their impact is minimal.[36] In one study, black students and students who had been victims of school violence felt less safe, while males, students who were strongly attached to their schools and those who had generally positive views on SROs felt safer.[37] This matters immensely, as research suggests that when stu-

dents feel safe in school, they also may feel more connected and engaged, perform better academically and interact with staff in a more respectful manner.[38] In light of this, in order to limit the negative and accentuate the good that comes with police in schools, conservative policymakers and the public need to establish new priorities for police to uphold while interacting with students.

CONSERVATIVE PRIORITIES FOR POLICE IN SCHOOL SETTINGS

The core tenet of conservatism is that government mandates should be limited and government intervention must be effective. As much as possible, government should allow families, community nonprofits, religious organizations and civil society to respond to youth when they make poor decisions, misbehave or commit minor crimes. The overuse of police in school settings is therefore a violation of conservative principles that exemplifies government overreach and can lead to long-lasting negative harm to children. For students, referrals to the juvenile justice system are often the beginning of larger issues with suspensions, expulsions, dropping out of school and further system involvement. In contrast, research demonstrates that access to education can lower recidivism,[39] with a nurturing school environment buffering any difficult life experiences a child might face due to poverty at home.[40] On top of this, when police in schools are not properly equipped for their role and interactions go sour, youth and police-community relations can suffer, potentially undermining police effectiveness.

Additionally, conservatives believe a legitimate government cannot be arbitrary and capricious, and should strive toward procedural justice and fairness for all. Unfortunately, school discipline and referrals to law enforcement are often not meted out at equal rates—with black youth, in particular, facing disproportionate responses to youthful misbehavior. This inequity is not a "liberal" issue: it should raise significant concerns to conservatives as well, and should be at the top of the policy agenda.

In light of these facts, a conservative agenda would do best to: (1) minimize law enforcement involvement whenever possible; (2) promote positive interactions when law enforcement must be involved and; (3) identify and reduce racial and ethnic disparities.

31. Counts et al., p. 423.

32. "School Policing: Results of a National Survey of School Resource Officers," p. 13. https://www.edweek.org/media/school-resource-officer-survey-copyright-education-week.pdf.

33. Ibid., p. 15.

34. Amir Vera and Natasha Chen, "Video shows North Carolina school resource officer slamming and dragging 11-year-old boy," Dec. 16, 2019. https://www.cnn.com/2019/12/16/us/north-carolina-student-slammed-dragged/index.html.

35. Rebecca Tan, "Do police belong in schools? A suburb wrangles with how to keep kids safe?", *The Washington Post*, Feb. 21, 2020. https://www.washingtonpost.com/local/md-politics/do-police-belong-in-schools-a-suburb-wrangles-with-how-to-keep-kids-safe/2020/02/21/f12abc72-4dee-11ea-b721-9f4cdc90bc1c_story.html.

36. Matthew Theriot and John Orme, "School Resource Officers and Students' Feelings of Safety at School," *Youth Violence and Juvenile Justice* 14:2 (2016), pp. 132-33. https://www.researchgate.net/profile/Matthew_Theriot2/publication/285980423_School_Resource_Officers_and_Students'_Feelings_of_Safety_at_School/links/5aae71d6458515ecebe96b8f/School-Resource-Officers-and-Students-Feelings-of-Safety-at-School.pdf.

37. Ibid., pp. 137-41.

38. Ibid., p. 133.

39. Carlton Lewis, "The School to Prison Pipeline: The Issue, the Solution, and Guiding Principles to Consider," RED, 2019. https://stoprecidivism.org/the-school-to-prison-pipeline/?gclid=CjwKCAiAhJTyBRAvEiwAln2qB2hhmFESL_0s463TesGkCK6SiQBH-8ma9ahw8ElUIbqc77ue1O7PPIBoC5KIQAvD_BwE.

40. Linda Darling Hammond and Channa Cook-Harvey, "Educating the Whole Child: Improving School Climate to Support Student Success," Learning Policy Institute, Sept. 7, 2018. https://learningpolicyinstitute.org/product/educating-whole-child-brief.

Minimize law enforcement involvement

When teachers and school administrators feel ill-equipped to handle misbehavior or crime, police are often viewed as an "easy" answer to school violence and misbehavior. While there are certainly cases where law enforcement involvement in student life is both necessary and appropriate, most research demonstrates that schools today are overall safer than in decades past.[41] And, most students are disciplined for behavioral issues, not violence.[42] In a bygone era, many of these behavioral issues *were* handled by schools, but there has been a cultural shift in how to handle disciplinary issues to the current context in which there is a strong reliance on law enforcement.[43]

When behavior is difficult, but not criminal, teachers and children need additional, evidence-informed support. Unfortunately, it is often the case that neither get them. Scholars note that: "[t]he typical responses to such problems are either suppression through punitive and exclusionary strategies, which have little empirical support and have even been demonstrated to exacerbate problems, or throwing interventions at problems without a systematic plan."[44]

In light of this, instead of increasing law enforcement presence in schools, conservatives would do best to support localism, empowering teachers and community actors who know their children best to help address children's needs. We know over-intervening in a child's life and referring him or her to the juvenile justice system when not absolutely needed can actually make a child more likely to reoffend.[45] In fact, the very experience of being in court increases the likelihood of future criminal activity.[46] For most children, who will naturally grow out of negative behaviors, handling them within the school or diverting them from the youth justice system toward community resources, is the smartest, most cost-effective option. Given that schools are one of the leading points of referral to the juvenile justice system, it is all the more important that schools and SROs be included as part of larger efforts to divert youth from system involvement.[47]

Given this, we offer the following policy recommendations:

Use policy to limit disciplinary interactions between police and youth. At a basic level, schools should clearly define the partnership between the school and police through Memoranda of Understanding (MOUs). These are legal agreements that include the role of each party and lay out responsibilities.[48] School officials and lawmakers should then examine youth behaviors that are driving referrals to law enforcement and assess whether they are worthy of law enforcement attention. Some common catch-all offenses that lead to law enforcement referrals include "disorderly conduct," "disturbing a school" or simple assault.[49] If it is determined that better-equipped school officials or community partners are the more appropriate responders in these circumstances, policymakers can take actions to limit police enforcement of them.

Texas, for example, chose to eliminate some Class C misdemeanors for students, such as "disruption of class," "disruption of transportation" and "failure to attend school" upon finding that large numbers of children were being arrested for these offenses.[50] Similarly, under a new safety plan, school staff in New York City will be discouraged from calling police for minor infractions like cutting class, lateness or smoking, and police will be limited from arresting or summoning students for offenses such as marijuana possession and disorderly conduct.[51] Other states, like Virginia (which has one of the highest rates of school referrals to law enforcement), have considered bills to prevent elementary or secondary school students from being charged with disorderly conduct if they are on school property, including school

41. See, e.g., Amanda Petteruti, "Education Under Arrest: The Case Against Police in Schools," Justice Policy Institute, Nov. 15, 2011, p. 11. http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

42. Elizabeth E. Hall, "Criminalizing Our Youth: The School-to-Prison Pipeline v. The Constitution," *Southern Regional Black Law Students Association Law Journal* 4 (2010), p. 76. https://heinonline.org/HOL/LandingPage?handle=hein.journals/srebwsude4&div=9&id=&page=.

43. Lisa H. Thurau and Johanna Wald, "Controlling Partners: When Law Enforcement Meets Discipline in Public Schools," *New York Law School Law Review* 54 (2009-10), pp. 978-81. http://www.nylslawreview.com/wp-content/uploads/sites/16/2013/11/54-4.Thurau-Wald.pdf.

44. David M. Osher et al., "Avoid Simple Solutions and Quick Fixes: Lessons Learned from a Comprehensive District Wide Approach to Improving Conditions for Learning," The Civil Rights Project, 2013, p. 3. http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/avoid-simple-solutions-and-quick-fixes-lessons-learned-from-a-comprehensive-district-wide-approach-to-improving-conditions-for-lear.

45. Elizabeth Seigle et al., "Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System," Council of State Governments Justice Center, 2014, pp. 7-9. https://csgjusticecenter.org/wp-content/uploads/2015/11/Juvenile-Justice-White-Paper-with-Appendices-.pdf.

46. Mahsa Jafarian and Vidhya Ananthakrishnan, "Just Kids: When Misbehaving is a Crime," Vera Institute of Justice, Aug. 11, 2017. https://www.vera.org/when-misbehaving-is-a-crime?print=1.

47. A recent study suggests that schools and not SROs may be the problem in some cases. Schools, in particular, referred more youth to the justice system for status offenses than SROs. See, e.g., David May et al., "Do School Resource Officers Really Refer Juveniles to the Juvenile Justice System for Less Serious Offenses," *Criminal Justice Policy Review* 29:1 (2018), p. 97. https://journals.sagepub.com/doi/pdf/10.1177/0887403415610167.

48. Mora L. Fielder et al., "A Toolkit for California Law Enforcement: POLICING TODAY'S YOUTH Defining the Role of School-Based Police Officers," Police Foundation Issue Brief, October 2016. http://www.policefoundation.org/wp-content/uploads/2016/10/PF_IssueBriefs_Defining-the-Role-of-School-Based-Police-Officers_FINAL.pdf.

49. Susan Ferriss, "How Does Your State Rank on Sending Students to Police?", Center for Public Integrity, April 10, 2015. https://time.com/3818075/student-police-ranking.

50. Deborah Fowler et al., "Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students," Texas Appleseed and Texans Care for Children, Dec. 1, 2016. http://stories.texasappleseed.org/dangerous-discipline.

51. "New York City to limit circumstances when police officers can enter schools," WABC-TV, June 20, 2019. https://abc7ny.com/5355191.

buses.[52] In other instances, states have provided additional guidance about when these laws should be enforced—otherwise they can become overly broad, subjective categories that all varieties of misbehavior fit in.[53] By limiting the type of conduct and number of offenses that law enforcement respond to, lawmakers can address the overcriminalization of childish misbehavior, while also encouraging school and community-based solutions as a response.

Improve school resources to offer alternatives to law enforcement. Law enforcement referrals can also be reduced when school districts make additional resources available to educators and work to change school culture. As the saying goes, when all you have is a hammer, everything looks like a nail: for schools left without sufficient resources to address poverty, trauma and special needs, calling law enforcement officials may feel inevitable, since it is the only tool at their disposal. But officers are often not trained to operate as counselors or mental health experts, and to ask them to do so is not the best use of their involvement. As one positive example, Redland Middle School, in Montgomery County, Maryland, successfully reduced referrals to law enforcement by 98 percent by setting expectations; providing students positive incentives for good behavior; and having students help on behavior contracts, peer mediation and working through minor incidents together.[54] Even better, they did so in an equitable fashion promoting similar outcomes across racial demographics.

Restorative justice is also a resource for schools that is finding a lot of success in addressing harms, as it helps to address needs on both sides—both victim and wrongdoer—by ensuring accountability and creating an opportunity to learn so that the behavior does not occur in the future.[55] Restorative justice brings together all the stakeholders to have a mediated dialogue and ultimately to create a plan for the future. Ideally, it is used as an alternative to calling law enforcement. There is a growing body of research that suggests restorative justice can decrease police referrals, decrease violence and reduce disciplinary measures that remove children from the classroom, such as suspensions and expulsions.[56]

However, when law enforcement is dispatched or an SRO is on the scene, officers can still help to refer students to a restorative justice program, if one is available in their school or community. For example, Oakland, California; Boulder, Colorado; and North Bend, Oregon all have integrated restorative justice programs into schools.[57] It is imperative, however, to obtain law enforcement buy-in to such programs and for officers to see restorative justice as part of their toolkit.

When SRO/law enforcement are present, provide opportunities for diversion without further system contact. Another way to minimize further youth-police involvement is to integrate a diversion framework into school MOUs with law enforcement. One example is the work done by the Los Angeles Unified School District (LAUSD). Since 2014, LAUSD has diverted nearly 2,000 students into community programs, boasting just an 8 percent re-offense rate.[58] If a student is charged with one of eight offenses (including possession of tobacco/marijuana, fighting and vandalism), they are eligible for diversion.[59] Based on this success, school officials want to expand diversion efforts to additional offenses.[60]

Promote positive youth-police interactions

When children do encounter law enforcement in their schools or communities, there is much that officers can do to promote more positive interactions. One study has shown that a positive interaction can have lasting effects on trust toward law enforcement.[61] However, even a single negative encounter can outweigh ten positive ones, making consistent positive interactions vital.[62]

Interactions must be informed by the developmental differences between adults and young people. Compared to adults, young people are more likely to act impulsively, be susceptible to external influences like peer pressure and are less likely to consider long-term consequences. Law enforcement

52. Steve Roberts, Jr., "Del. Mullin proposes bill to further curtail arrests of school children," *Virginia Gazette*, Dec. 26, 2018. https://www.dailypress.com/virginiagazette/news/va-vg-mullin-school-prison-pipeline-20181226-story.html.

53. Cheryl Corley, "Do Police Officers In Schools Really Make Them Safer?", March 8, 2018. https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer.

54. Sabrina Holcomb, "How One Middle School Cut Discipline Referrals By 98 Percent in Just One Year," *NEA Today*, Feb. 17, 2016. http://neatoday.org/2016/02/17/middle-school-discipline-referrals.

55. Heather T. Jones, "Restorative Justice in School Communities: Successes, Obstacles, and Areas for Improvement," University of Texas, Dec. 29, 2013. https://irjrd.org/wp-content/uploads/2016/01/Jones_Restorative-Discipline_12-29-13.pdf.

56. David Yusem et al., "Restorative Justice in Oakland Schools," U.S. Dept. of Education, September 2014, p. 38. https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUSD-RJ%20Report%20revised%20Final.pdf.

57. See, e.g., Lara Bazelon, "Oakland Demonstrates Right Way to Use Restorative Justice With Teens," Juvenile Justice Information Exchange, Jan. 3, 2019. https://jjie.org/2019/01/03/oakland-demonstrates-right-way-to-use-restorative-justice-with-teens; "Law Enforcement," Restorative Justice Colorado, last accessed Feb. 26, 2020. https://www.rjcolorado.org/restorative-justice/justice-system/law-enforcement.

58. Taylor Walker, "LAUSD Plans To Expand List Of Offenses Eligible For Diversion To Reduce Racially Disparate School Arrests," Witness LA, Oct. 7, 2019. https://witnessla.com/lausd-plans-to-expand-list-of-offenses-eligible-for-diversion-to-reduce-racially-disparate-school-arrests.

59. Ibid.

60. Shannon Haber, " Los Angeles Unified Working to Expand Diversion Programs to Further Reduce Student Arrests and Increase Services," Los Angeles Unified School District, Oct. 1, 2019. https://achieve.lausd.net/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=4466&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=82669&PageID=1.

61. Ferlanda Fox Nixon, "One Positive Interaction with Police Can Enhance Trust, New Study Finds," *Rutgers University News*, Sept. 16, 2019. https://www.newark.rutgers.edu/news/one-positive-interaction-police-can-enhance-trust-new-study-finds.

62. Wesley G. Skogan, "Asymmetry in the Impact of Encounters with Police," *Policing and Society* 16:2 (2006), pp. 99-126. https://www.tandfonline.com/doi/abs/10.1080/10439460600662098.

officers should be selected and trained with these factors in mind. In communities that already have strained relationships between law enforcement and the individuals they are supposed to protect, an officer's positive attitude toward children and adolescents can go a long way.

Accordingly, we offer the following policy recommendations:

Higher standards for SRO selection. Interacting with our community's children should be seen as the greatest privilege. Unfortunately, there are reports of individuals being assigned to SRO duty as a punishment (which, of course, might lead to less than favorable outcomes) or because they are young or near retirement.[63] This is part of a larger, unfortunate trend in the juvenile justice system, where many of the system actors tend to be new, inexperienced or relegated there as "punishment," compared to the adult system.[64] As a bare minimum, we should demand higher standards for SRO selection: for example, it should go without saying that SROs should like kids and want to work with them. Additionally, they should be selected with their unique role in schools in mind, prioritizing those SROs with relevant past experience in child development, education and trauma. There is also some recent research that suggests that changing hiring practices can be an effective method to reduce racial disparities, as certain cognitive characteristics might make a person less likely to give in to implicit bias.[65] Additionally, SROs work best when school administrators are in agreement about who is selected. Most principals do not have any say in who the SRO in their school is, which might lead to a mismatch of expectations at the outset.[66]

Better training on youth development and better use of force policies. Given the prevalence of encounters between police officers and young people, all police officers would benefit from additional training on youth development, including SROs. According to a 2019 report, only three states require training to help police responses to youth behavior to be developmentally appropriate, trauma informed and racially equitable.[67] Only nine mandate that SRO training

touches on adolescent development.[68] In other professions where contact with children is expected—such as coaching, healthcare and teaching—the state is involved in creating comprehensive training requirements. Currently, many police lack training on adolescent development, and the training they do receive is focused on learning what are juvenile-specific offenses (also known as status offenses) and the administrative steps to arrest a young person.[69] Additional standards and training would benefit both youth and police. With additional knowledge about youth development, there would be more consistency in responses and the effectiveness of SROs across officers and jurisdictions. And, as a result, officers' legitimacy may increase.

Identify and reduce racial disparities

Research demonstrates that children of color, specifically young black men, are disciplined more often, and receive more suspensions and expulsions, than their white peers.[70] These disparities start as early as preschool,[71] where some schools are employing a "zero tolerance" policy to student misbehavior.[72] In these cases, behaviors as minor as writing on one's desk can lead to removal from school. And, when students are removed from school, they become even more likely to become system involved. What's more, disparities in the responses to childish misbehavior are not caused by actual differences in behavior, as research demonstrates that children of color do not "act out" more than their peers.[73]

Reducing racial inequities requires a multi-pronged approach that involves educators, community organizations and law enforcement. By the time law enforcement is involved, an initial inequity may have already occurred, as some youth are more likely to have their behavior identified as criminal and therefore more appropriate for referral to law enforcement. Law enforcement can play an important role in decreasing further system involvement, for example, by employing diversion and referring children to community resources instead of the juvenile justice system.

63. Chuck Hibbert, "Children With Special Needs and the School Resource Officer (SRO)," National School Safety and Security Services, Nov. 14, 2019. https://www.schoolsecurity.org/2019/11/children-with-special-needs-and-the-school-resource-officer-sro.

64. Caren Harp et al., "Juvenile Prosecution Policy Positions and Guidelines," National Juvenile Justice Prosecution Center, July 5, 2016. http://ndaa.org/wp-content/uploads/Juvenile-Prosecution-Policy-Positions-and-Guidelines-11-12-2016.pdf.

65. Kirsten Weir, "Police departments are eager for ways to reduce racial disparities—and psychological research is beginning to find answers," *Monitor on Psychology* 47:11 (December 2016). https://www.apa.org/monitor/2016/12/cover-policing.

66. Denisa R. Superville, "Most Principals Have No Say in Choosing Police for Their Schools," *Education Week*, Dec. 11, 2019. https://www.edweek.org/ew/articles/2019/12/11/most-principals-have-no-say-in-choosing.html.

67. "Two Billion Dollars Later: States Begin to Regulate School Resource Officers in the Nation's Schools," Strategies for Youth," p. 3. https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf.

68. Ibid.

69. Ibid.

70. Tom Rudd, "Racial Disproportionality in School Discipline Implicit Bias is Heavily Implicated," Kirwan Institute for the Study of Race and Ethnicity, February 2014. http://kirwaninstitute.osu.edu/wp-content/uploads/2014/02/racial-disproportionality-schools-02.pdf.

71. Erica L. Green, "Government Watchdog Finds Racial Bias in School Discipline," *The New York Times*, April 4, 2018. https://www.nytimes.com/2018/04/04/us/politics/racial-bias-school-discipline-policies.html.

72. Gara LaMarche, "The Time Is Right to End 'Zero Tolerance' in Schools," *Education Week*, April 5, 2011. https://www.edweek.org/ew/articles/2011/04/06/27lamarche.h30.html?utm_source=fb&utm_medium=rss&utm_campaign=mrss%E2%80%99.

73. See, e.g., Russell J. Skiba, "The Color of Discipline," Indiana Education Policy Center, June 2000, http://www.indiana.edu/~equity/docs/ColorOfDiscipline.pdf; Heather T. Jones, "Restorative Justice in School Communities: Successes, Obstacles, and Areas for Improvement," The University of Texas School of Social Work, Dec. 29, 2013. https://irjrd.org/wp-content/uploads/2016/01/Jones_Restorative-Discipline_12-29-13.pdf.

Accordingly, we recommend the following policies:

Ensure officers receive evidence-based training and comply with protocol to improve equity. The good news is, more than ever, departments are interested in reducing racial inequities in the system.[74] Some agencies have implemented implicit bias training, which targets those attitudes and beliefs that individuals hold but are not consciously aware of. Although instituting this type of training may be premature since there is currently a lack of evidence on its lasting impact, it can be helpful for promoting awareness of racial and other biases.[75] Other methods that might have more success do not work to eliminate latent bias, but instead help officers not to act on the bias by changing the situation. One method includes having the officer who is involved in the initial encounter (and might be full of adrenaline) to be a different one from the officer who initiates subsequent steps.[76] Another strategy is to create protocols or checklists for different scenarios, which can help reduce bias and ambiguity in helping officers to decide when to initiate action.[77]

Embrace alternative approaches to referral with equity in mind. When officers are involved, instead of referring students to the juvenile justice system, they can serve the powerful role of diverting students from further system involvement. Again, Los Angeles County Unified School District is a model that not only diverts youth, but does so with equity in mind.[78] Diversion is recommended for all youth who are legally eligible, with only the most serious offenses excluded. This approach recognizes that minority youth are often charged more harshly for the same conduct as their white counterparts, and expands diversion eligibility to ensure more youth can take advantage of the opportunity. LAUSD has also recognized that practical barriers, such as transportation, can disproportionately impact communities of color or youth in poverty, and serve to deter youth from completing diversion, thus promoting racial inequities, and thus it has tried to address these.

CONCLUSION

Police officers play one of the most vital roles in our society: they work to protect residents from harm and to serve the community. And, they can play an important role in the process of accountability when harm has occurred. These duties are ever more important when it comes to the most vulnerable members of our society: our children. And we should be grateful for the good work many of our police officers do.

However, in the absence of intentional policymaking, police involvement with school matters can lead to negative unintended consequences. As a result, police power can supersede and undermine the more appropriate and proximate authority of families, school administrators and community organizations. And without adequate training and guidance, police officers may respond to youth misbehavior in the same manner as they do adults, leading to potentially harmful and negative interactions. Additionally, schools and law enforcement may inadvertently promote racial and ethnic disparities in the justice system by focusing their time and attention disproportionately on youth of color.

Given the conservative principles of limited, effective government as well as conservatives' concern for fairness and due process, policymakers on the center-right must address these problems by working to minimize law enforcement in school settings, promote positive police-youth interactions and identify and reduce racial disparities. By doing so, they can ensure that our police officers do serve the best interests of the community—including its youth—when they are in our children's schools.

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74. Kirsten Weir, "Police departments are eager for ways to reduce racial disparities—and psychological research is beginning to find answers," Monitor on Psychology 47:11 (December 2016), p. 36. https://www.apa.org/monitor/2016/12/cover-policing.

75. Ibid.

76. Ibid.

77. Ibid.

78. Liz Kroboth et al., "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County," Human Impact Partners, June 2019, p. 17. https://www.njjn.org/uploads/digital-library/HIP_EvaluateYouthDiversion_2019.06.03.pdf.