

The problem is not police training, police diversity, or police methods. The problem is the dramatic and unprecedented expansion and intensity of policing in the last forty years, a fundamental shift in the role of police in society. The problem is policing itself.

Alex S. Vitale

The End of Policing

The End of Policing

Alex S. Vitale



First published by Verso 2017

© Alex S. Vitale 2017

All rights reserved

The moral rights of the author have been asserted

1 3 5 7 9 10 8 6 4 2

Verso

UK: 6 Meard Street, London W1F 0EG

US: 20 Jay Street, Suite 1010, Brooklyn, NY 11201

versobooks.com

Verso is the imprint of New Left Books

ISBN-13: 978-1-78478-289-4

ISBN-13: 978-1-78478-291-7 (US EBK)

ISBN-13: 978-1-78478-290-0 (UK EBK)

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

Names: Vitale, Alex S., author.

Title: The end of policing / Alex Vitale.

Description: Brooklyn : Verso, 2017.

Identifiers: LCCN 2017020713 | ISBN 9781784782894 (hardback) | ISBN
9781784782917 (US ebk) | ISBN 9781784782900 (UK ebk)

Subjects: LCSH: Police—United States. | Police misconduct—United States. |

BISAC: POLITICAL SCIENCE / Political Freedom & Security / Law Enforcement.

| SOCIAL SCIENCE / Discrimination & Race Relations. | POLITICAL SCIENCE /

Public Policy / General.

Classification: LCC HV8139 .V58 2017 | DDC 363.20973—dc23

LC record available at <https://lcn.loc.gov/2017020713>

Typeset in Sabon by MJ & N Gavan, Truro, Cornwall

Printed in the US by Maple Press

3

The School-to-Prison Pipeline

In 2005, three police officers in Florida forcibly arrested a five-year-old African American girl for misbehaving in school. It was captured on video. The singer and civil rights activist Harry Belafonte, like most others, was appalled by what he saw and initiated a campaign to train the next generation of civil rights activists: the Gathering for Justice, which in turn created the Justice League, an important force in the Black Lives Matter movement. At the core of the group's demands is a call to end the criminalization of young people in schools.¹

“School Resource Officers”

Over the last twenty years there has been an explosion in the number of police officers stationed in schools—one of the most dramatic and clearly counterproductive expansions of police scope and power. In the 2013–14 academic year, there were more than forty-three thousand school-based police officers in the United States.² Over 40 percent of all schools now have police officers assigned to them, 69 percent of whom engage in school discipline enforcement rather than just maintaining security and enforcing the law.

While the origins of “school resource officers” (SROs) can be traced back to the 1950s, there was a dramatic change in their number and focus in the 1990s, thanks in large part to the Justice Department’s “Cops in Schools” program, which gave out \$750 million to hire 6,500 new school-based police.³ While many of these officers work hard to maintain a safe environment for students and to act as mentors and advisors, the overall approach of relying on armed police to deal with safety issues has led to a

massive increase in arrests of students that fundamentally undermines the educational mission of schools, turning them into an extension of the larger carceral state and feeding what has come to be called the school-to-prison pipeline.

This increase in the number of school-based police is tied to a variety of social and political factors that converged in the 1990s and continues today. First, conservative criminologist John Dilulio, along with broken-windows theory author James Q. Wilson, argued in 1995 that the United States would soon experience a wave of youth crime driven by the crack trade, high rates of single-parent families, and a series of racially coded concerns about declining values and public morality.⁴ He predicted that by 2010 there would be an additional 270,000 of these youthful predators on the streets, leading to a massive increase in violent crime. He described these young people as hardened criminals: “radically impulsive, brutally remorseless ... elementary school youngsters who pack guns instead of lunches” and “have absolutely no respect for human life.”⁵ Dilulio and his colleagues argued that there was nothing to be done but to exclude such children from settings where they could harm others and, ultimately, to incarcerate them for as long as possible. Dilulio’s ideas were based on spurious evidence and ideologically motivated assumptions that turned out to be totally inaccurate. Every year since, juvenile crime in and out of schools in the US has declined.⁶

However, the “superpredator” myth was extremely influential. It generated a huge amount of press coverage, editorials, and legislative action. One of the immediate consequences was a rash of new laws lowering the age of adult criminal responsibility, making it easier to incarcerate young people in adult jails, in keeping with the broader politics of incapacitation and mass incarceration. It was also at the center of efforts to tighten school discipline policies and increase police presence in schools.

The second major factor was the Columbine school massacre of 1999, in which two Colorado high school students murdered twelve classmates and a teacher, despite the presence of armed police on campus. This tragic incident received incredible attention due to its extreme nature and the fact that it occurred in a normally low-crime white suburban area. It was easy enough for middle-class families to ignore the more frequent

outbursts of violence in nonwhite urban schools, but this incident drove them to want action taken to make schools safer for young people.

In keeping with the broader ethos of get-tough criminal-justice measures, the response was to increase the presence of armed police in schools rather than dealing with the underlying social issues of bullying, mental illness, and the availability of guns. While there was some focus on bullying, much of it took a punitive form, driving additional “zero tolerance” disciplinary procedures and further contributing to suspensions, expulsions, and arrests on flimsy evidence and for minor infractions.

The third major factor was the rise of neoliberal school reorganization, with its emphasis on high-stakes testing, reduced budgets, and punitive disciplinary systems. Increasingly, schools are being judged almost exclusively based on student performance on standardized tests. Teacher pay, discretionary spending, and even the survival of the school are tied to these tests. This creates a pressure-cooker atmosphere in schools in which improving test scores becomes the primary focus, pitting teachers’ and administrators’ interests against those of students.⁷ A teacher or administrator who wants to keep their job or earn a bonus has an incentive to get rid of students who are dragging down test scores through low performance or behaviors that disrupt the performances of other students. This gives those schools a strong incentive to drive those students out, either temporarily through suspensions or permanently through expulsions or dropping out.

High-Stakes Testing and Social Control

States that rely heavily on high-stakes tests tend to shift teaching toward test prep and rote learning; this drives out creativity and individualized learning, which contributes to discipline problems as students grow uninterested or resentful. Schools too often respond to this dynamic by adopting ever more restrictive and punitive disciplinary systems. As a result, suspension, arrests, and expulsions increase, driving students out of school and into the criminal justice system. In this environment, teacher morale declines and dropout rates increase.

North Carolina became one of the first states to fully embrace these measures in 1996. Teachers there report spending more and more time on

test preparation, while subjects not covered by the tests, such as social studies, science, and physical education, have been dramatically scaled back. New punitive disciplinary systems, created in the wake of the passage of No Child Left Behind, led to increased suspensions and arrests. Suspensions of less than ten days increased 41 percent, long-term suspensions increased 135 percent, and by 2008, the number of SROs had doubled, leading to 16,499 students being arrested. Racial disparities in suspensions became worse as well, with black students three and a half times more likely to be suspended.⁸

Florida adopted a high-stakes testing regime in 1998. By 2003, out-of-school suspensions had increased by almost 20 percent. In 2004, 28,000 students were arrested at school, almost two-thirds for minor offenses that previously were dealt with in school. In addition, more students have been classified as disabled, taking them out of the test pool. Teacher morale plummeted; more than half of all teachers in a 2006 survey reported that they were thinking of giving up teaching. By that same year Florida's graduation rate had fallen to 57 percent, the fourth-lowest in the country. Because of high expulsion and dropout rates, GED test taking increased by 25 percent from 2003 to 2007.⁹

At the epicenter of this transformation is Texas, where privatization and drastic cuts to the public sector meet the expansion of punitive mechanisms of social control. Texas was an early adopter of high-stakes testing in the 1990s. As governor, George W. Bush expanded its role and implemented a series of punitive measures, mostly focused on zero-tolerance approaches. Since, as we've seen, testing motivates teachers to remove low-performing and disruptive students from class, suspension rates went through the roof—95 percent of them for minor infractions.¹⁰ By 2009–10 there were 2 million suspensions in Texas, 1.9 million of which were for “violating local code of conduct” rather than a more serious offense. To deal with this onslaught of suspensions, for-profit companies with close ties to state Republican leaders developed what Annette Fuentes calls “supermax schools.”¹¹ These schools use fingerprint scanners, metal detectors, frequent searches, heavy video surveillance, and intense disciplinary systems to manage kids kicked out of regular schools. In many cases there is no talking allowed in hallways or lunchrooms. Teachers have little specialized training, and the low pay means fewer

certified teachers than in regular schools. The emphasis is on computer-based learning and frequent testing. Outside evaluations have been tightly controlled; the few external reviews have found terrible performance and prison-like conditions.

Overall, the claimed “Texas Miracle” of improved test scores was based on faked test results, astronomical suspension and dropout rates, and the shunting of problem students to prison-like schools outside the state testing regime. Bush rode this chicanery all the way to the White House, where he instituted it nationally in the form of the No Child Left Behind Act.

The ultimate expression of this transformation in education is the charter-school movement, which fully embraces high-stakes testing and punitive disciplinary systems. Proponents have called for widespread adoption of broken-windows-based policies in charter schools as a way to instill greater classroom discipline.¹² Eventually the discourse around such methods was transformed into “sweating the small stuff” and “no excuses”-based discipline. These methods are also heavily emphasized by Teach for America and the Center for Transformative Teaching, both of which have a significant influence on teacher training for traditional public schools as well. While these phrases evoke dedicated teaching professionals working hard to overcome any impediment, what it really meant is creating ever more restrictive rules and increasing the frequency and severity of punishments, weeding out students who may be a drag on those test scores. Black boys in particular are being driven out of these schools, not for educational failure but for failure to sit still in class and wear the right color shoes. One student at a New York charter school was suspended nineteen times in first grade. The school said he was “intellectually gifted, but struggled with his behavior.”¹³ *PBS NewsHour* found charter schools suspending kids as young as kindergarten for behavioral infractions.¹⁴ These children disproportionately leave the charter schools, in part because parents can’t manage the constant disciplinary conferences and suspensions. The *New York Times* found that the large Success Academy charter-school network in New York had a suspension rate of 10 percent, with some schools as high as 23 percent, while city public schools had a rate of only 3 percent.¹⁵ One mother was told that if her six-year-old daughter’s misbehavior in class didn’t stop,

the teacher would be forced to call 911. One school even had a “got to go” list, with students they deemed inappropriate matches for the school’s rigid behavioral rules.

As a result, many charter schools end up graduating a skewed population of mostly girls. The schools then claim very high graduation rates, because the students who leave do so voluntarily, for reasons other than educational failure.

The School-to-Prison Pipeline

Finally, these forces have meshed with the overall trend toward harsher punishments driving the rise of mass incarceration more generally. Politicians in the 1990s had already embraced the idea that criminality was a deeply embedded moral failing that was largely impervious to reform. The only appropriate response, they argued, was long-term incarceration, as seen in the rise of “three strikes” laws and other mandatory minimum sentencing schemes. In this political environment, every public safety threat was immediately turned into another opportunity to roll out more punishment and control.

President Bill Clinton was more than happy to oblige. In 1994 he introduced the Gun-Free Schools Act, which ushered in “zero tolerance” school discipline policies. Following that lead, legislators and school administrators embraced a raft of harsh disciplinary codes, placing surveillance systems, metal detectors, and huge numbers of police in schools.

These policies have led to the growing criminalization of young people, despite falling crime rates. According to the Department of Education, 92,000 arrests were made in the 2011–2012 school year.¹⁶ One study shows that schools with SROs had nearly five times the arrest rate of non-SRO schools even after controlling for student demographics like race and income.¹⁷ The impact of these policies has been especially harsh for students of color and those with disabilities. Schools with high percentages of students of color are more likely to have zero tolerance policies and generate more suspensions, expulsions, and arrests.¹⁸

The US Department of Education found in a 2011–2012 survey of 72,000 schools that black, Latino, and special-needs students were all

disproportionately subjected to criminal justice actions.¹⁹ While black students represent 16 percent of student enrollment, they represent 27 percent of students referred to law enforcement and 31 percent of students subjected to a school-related arrest. In comparison, white students represent 51 percent of enrollment, 41 percent of students referred to law enforcement, and 39 percent of those arrested. Some individual districts have even starker numbers. In Chicago, in 2013–2014 black students were twenty-seven times more likely to be arrested than white students leading to 8,000 arrests in a two-year period.²⁰ Over 50 percent of those arrested were under fifteen.

Students are frequently arrested for minor acts of disobedience and disruption such as using cell phones, disrespecting teachers, and getting into loud arguments. Schools with SROs increasingly turn over more and more school discipline to those officers, finding it easier just to have a police officer come in and remove and arrest a student than to put in the hard work of establishing a reasonable classroom environment through enlightened disciplinary systems. Even well-intentioned teachers have limited options. Healthy and effective disciplinary systems take work and resources, though they are usually a lot cheaper than paying for extra armed police.

Suspensions, which are a huge predictor of future arrest, are also highly racially disproportionate. A 2010 national study by the Southern Poverty Law Center found that in 9,000 middle schools, 28 percent of black male students were suspended three times as often as white males. Black female students were suspended more than four times as often as white females.²¹ The Children's Defense Fund of Ohio found that black students were four times more likely to be suspended than their white counterparts. These results have been duplicated by studies all over the country.²²

Special-needs children make up over a quarter of those referred to police (even though they represent just 14 percent of students), sometimes leading to horrific results.²³ In spring of 2015 Public Radio International profiled the case of an eleven-year-old boy with autism from Lynchburg, Virginia, who was repeatedly charged with criminal offenses by the school's SRO.²⁴ In one incident, the youth kicked a garbage can after being scolded for misbehavior, prompting the officer to file disorderly

conduct charges against him in juvenile court. In another incident, the boy was slammed to the ground and handcuffed by the same SRO after resisting being dragged out of the classroom. This resulted in a misdemeanor charge of disorderly conduct and a felony charge of assault on a police officer. Shockingly, a family court judge found the youth guilty of all charges. As it turns out, Virginia leads the nation in the rate of children being charged with school-related crimes.²⁵ LGBTQ students are also at higher risk of punitive discipline and arrest; they are frequently ostracized by students and even teachers, leading to behaviors that are deemed “anti-social.”

In August of 2015 the ACLU filed a federal lawsuit against a Kentucky sheriff’s deputy for handcuffing two disabled students, an eight-year-old boy and a nine-year-old girl, for minor disorderly behavior related to their disabilities. The children were so small that the officer handcuffed their biceps, further traumatizing them. The handcuffing of the boy was caught on tape. The officers told him, “You can do what we ask you to, or you can suffer the consequences.”²⁶ Obviously the officer had received no special training in dealing with special-needs children; the school’s decision to rely on untrained armed police to manage the behavior of special-needs students is deeply problematic and, as the ACLU claims, a fundamental violation of the Americans with Disabilities Act (ADA) and civil and human rights.

The Militarization of Schools

Another area of concern is the growing militarization of schools. Nationally, police have been taking on tremendous amounts of surplus military hardware from the Pentagon. School police agencies have joined in as well. Such agencies have purchased mine-resistant ambush protection (MRAP) vehicles, AR-15 assault rifles, shotguns, and grenade launchers. According to the *Washington Post*, at least 120 school-affiliated police forces in thirty states have utilized the 1033 weapons transfer program (discussed in [chapter 1](#)).²⁷ In 2003, administrators at Goose Creek High School in South Carolina coordinated a massive SWAT team raid of their school in an effort to ferret out drugs and guns. Armored police, with guns drawn, ordered hundreds of mostly black students onto

the ground without any specific probable cause as administrators went around identifying students to be searched and arrested. A video of the incident shows students freezing or fleeing in terror as black-clad officers burst out of closets and stairwells screaming commands and pointing guns.²⁸ Police dogs were brought in to find the drugs that supposedly necessitated the raid. None were found. The administrator who had organized the raid apologized to parents but pointed out that “once police are on campus, they are in control”—which is exactly the problem.²⁹

The use of guns and militarized equipment undermines the basic ethos of school as a supportive learning environment and replaces it with fear and control.³⁰ The National Association of School Resource Officers has become a bastion of this process. Its annual convention is a panoply of military contractors trying to sell schools new security systems, train officers in paramilitary techniques, and make the case that students are at constant risk from themselves and outsiders. Annette Fuentes attended one such convention and was appalled at the keynote speaker, an “anti-terrorism expert” with no domestic law enforcement or pedagogical training who warned the hundreds of officers present,

You’ve got people in your schools right now planning a Columbine. Every town, every university now has a Cho [the Virginia Tech shooter] and in every state, we have Al-Qaeda cells thinking of it. Every school is a possible target of attack ... You’ve got to be a one-man fighting force ... You’ve got to have enough guns and ammunition and body armor to stay alive ... You should be walking around in school every day in complete tactical equipment, with semi-automatic weapons and five rounds of ammo ... You can no longer afford to think of yourselves as peace officers ... You must think of yourself as soldiers at war, because we’re going to ask you to act like soldiers.³¹

This mindset is permeating school policing. In 2010 the Southern Poverty Law Center filed a class-action lawsuit against the Birmingham, Alabama schools claiming that they were systematically using excessive force.³² They allege that from 2006 to 2014, 199 students have been sprayed with a combination pepper spray and tear gas agent called Freeze + P, which causes extreme pain and skin irritation and can impede breathing and vision. All of the students sprayed were African American. One student was pregnant, many were innocent bystanders, and some were completely nonviolent when sprayed. In most cases, officers made no effort to treat those sprayed and some were held in police custody to await arraignment wearing chemically coated clothing. In 2015, a federal court found the

school district guilty of civil rights violations and banned the use of the spray.³³ A seventeen-year-old high school student in Texas was tasered by an SRO while trying to break up a school fight. The student was critically injured by the resulting fall and blow to the head and spent fifty-two days in a medically induced coma.³⁴ Surveillance video showed that the young man was actually stepping away from the officers when he was tasered.

More mundane violence by SROs is also widespread. In October 2015 a student recorded a South Carolina sheriff's deputy assigned to the school violently arresting a teenage girl for having a phone in class. The officer flipped the young woman and her desk over, then dragged, threw, and tackled her.³⁵ A fellow student who videotaped the incident was physically threatened and arrested when she vocally protested what was happening. In 2010 a fifteen-year-old student with a past traumatic brain injury was beaten by a Dalton, Illinois police officer at a special-needs school for having his shirt untucked. The incident was captured on surveillance video and no action was taken against the officer, who didn't even report the incident.³⁶ Such complaints are pervasive in schools across the country.

According to a report by *Mother Jones* magazine, between 2010 and 2015, twenty-eight US students were severely injured by SROs and one was killed.³⁷ In 2010, fourteen-year-old Derek Lopez was shot to death by an SRO in suburban San Antonio. Lopez punched a student on school grounds. Officer Daniel Alvarado witnessed it and ordered Lopez to freeze, then chased him to a nearby backyard shed, where he shot Lopez. Alvarado claimed that Lopez had "bull-rushed" him as he opened the shed door. In August 2012, a grand jury declined to indict Alvarado.³⁸

Lower levels of force are much more prevalent. While no national data is available, in part because there is no federal or state reporting requirements, local studies show heavy use of force. The *Houston Chronicle* found that, from 2010 to 2014, police in ten suburban Houston school districts reported 1,300 use-of-force incidents.³⁹ Many large districts had no data or refused to cooperate; neither education nor police oversight bodies require such reporting.

The massive expansion of school police is predicated on the idea that it makes schools safer, but this just isn't true. Schools with heavy police presence consistently report feeling less safe than similar schools with no police. There is no evidence that SROs reduce crime, and there have been

only a few instances where officers played a role in averting a potential gun crime (these mostly involved threats). In one 2013 case an officer in Atlanta stopped a school shooting in progress; the intended target had already been shot, along with a school employee, and the perpetrator was no longer shooting when apprehended.⁴⁰ Research generally shows that reported crimes actually increase with the presence of SROs.⁴¹ This is in part because they uncover more contraband and treat more things as criminal matters than would have been the case previously. There is no solid evidence that they reduce thefts or violence.⁴²

Reforms

The role of SROs has continually expanded as officers are given more responsibilities and find more to do with their time in the absence of actual security threats. Armed police officers are now acting either formally or informally as guidance counselors in many schools. They conduct Drug Abuse Resistance Education (DARE) and other drug-prevention programs. Unfortunately, there is little oversight or training for these roles. SROs typically receive little or no instruction in counseling, mentoring, or pedagogy. While some of their efforts are laudable, others are laughable. Decades of research have shown the consistent ineffectiveness of programs like DARE. Furthermore, there is a fundamental conflict in asking kids to treat police as mentors and counselors. While officers want young people to confide in them, they are also law enforcement agents, meaning that these communications can be used as evidence and can lead very quickly to police enforcement action, possibly even against the youth being mentored. In an age of zero tolerance, this could have devastating consequences.

The DOE, in its 2014 *Guiding Principles* report on best practices in discipline, calls for school-based police officers to be trained in adolescent development, de-escalation, implicit bias, and how best to deal with students with disabilities and a history of trauma.⁴³ Others continue to point to the value of police as role models and mentors, but only if they understand their role as providing security for the students and the school, not as agents of school discipline.⁴⁴ This approach, however, assumes an inherent value in having uniformed police officers play this role rather

than, say, a coach, teacher, counselor, or administrator. The implicit goal is to establish the importance and legitimacy of the police in the eyes of students; by virtue of being a formal authority figure, police in schools are valuable. This view argues that young people can benefit from the appreciation of authority well instituted. This is an inherent aspect of the liberal adherence to procedural justice discussed in [chapter 1](#): the problem is not that there are agents of formal state control in schools, it's that they sometimes act improperly and abuse that all-important authority.

In fact, the earliest origins of police in school are suffused with this mindset. In the 1950s, police were placed in schools in Flint, Michigan, with the intent of reestablishing the legitimacy and value of the police in the eyes of young people at a time of high youth violence and social disaffection. The 1960s saw another period of expansion, again with the same intent.⁴⁵ This was not about the safety and security of schools or youth. In fact, most of these early programs were established in elementary and middle schools, where crime and violence are much lower than in high schools. In many ways this is an extension of the community policing mindset, in which police become embedded in the community to collect information and generate goodwill that then feeds into more intensive and invasive forms of policing. According to Kevin Quinn, president of the National Association of School Resource Officers, developing rapport to facilitate intelligence gathering is a central component of their work: "Once school resource officers establish themselves in a community, kids are willing to come forward and report things, send an e-mail, leave a voicemail, come by the office."⁴⁶ Couldn't that rapport be generated just as well by counselors with more appropriate training and more of an allegiance to the well-being of students than the enforcement of the law?

Some have suggested there need to be national standards for training and best practices.⁴⁷ The Obama Task Force on Twenty-First Century Policing has some mixed recommendations about this issue. It recommends that police agencies reform the policies and procedures that end up pushing children into the criminal justice system, but says nothing about removing police from schools. In fact, it expands the role of police by calling on them to "develop and monitor" discipline policies and work with school administrators to "create a continuum of developmentally appropriate and proportionate consequences." But, as Lisa Thureau and

Johanna Wald ask, “Why should police without any training or background help schools devise educational policy and practices?”⁴⁸

Recently some school districts have begun to search for alternatives to police-enforced zero tolerance approaches, but have been reluctant to totally abandon a punitive orientation. In 2007 the Los Angeles Unified School District embraced a new approach called Positive Behavioral Intervention and Supports, in which schools integrate social skill-building and behavioral management into their lesson plans.⁴⁹ Students who are not doing well in school are targeted for additional interventions such as tutoring and counseling on self-management skills. Teachers work on labeling “good” and “bad” behaviors, closely monitor student behavior, and apply graduated sanctions to ensure compliance. While this has reduced suspensions and police enforcement, it still relies on a top-down form of discipline similar to classic control theory, in which parents and others are encourage to socialize their children through the identification and control of improper behavior. School discipline specialist Alfi Kohn has come to refer to this as TKLP (Treating Kids Like Pets), because it is a control-based approach that uses bribes rather than threats.

Alternatives

A task force in New York found that schools with less punitive disciplinary systems were able to achieve a greater sense of safety for students, lower arrest and suspension rates, and fewer crimes, even in poor and high-crime neighborhoods.⁵⁰ What is needed, but often not supplied by school officials, is a set of nonpunitive disciplinary measures designed to keep kids in school while getting to the root of disruptive behavior. Schools cannot solve all the problems students bring in, but they can be part of the solution rather than part of the criminal justice system. To do that, they need more resources to deal with the whole student. You can’t just teach to the test or focus on fundamental knowledge and skills at the expense of the bodies and emotions of young people. Abundant research shows that learning can’t happen effectively when young people are emotionally or physically distracted. Relying on school police, however, removes the bodily, emotional, and behavioral aspects of the student from

the responsibility of teachers and outsources it to police. This is a huge mistake.

What teachers need is training, counselors, and support staff with access to meaningful services for students and their families. There are currently more NYPD personnel in New York City schools than there are counselors of all types at an estimated cost of \$750 million a year.⁵¹ We need to invest in both school and after-school services that address problems at home and in the community. On their own, especially with diminishing budgets and high-stakes testing regimes, teachers can't deal with these problems. Instead they find themselves pressured to push kids out of their classrooms and ultimately out of school and into the criminal justice system.

To respond to these needs, the American Federation of Teachers (AFT) has recently been supporting the creation of "community schools."⁵² These schools provide a range of wraparound services, such as medical and mental health care, personal counseling, tutoring, community service, and social-justice programming, as well as adult education and counseling for parents. Services are often provided by community organizations working in partnership with the schools, allowing services to be tailored to the particular needs of that community. In Salt Lake City, Utah, the United Way has partnered with eleven community schools that serve more than ten thousand students, over half of whom are very low income and over a quarter of whom are English language learners. The program has increased academic achievement and reduced chronic absenteeism, a strong indicator of future problems. Baltimore has forty-five community schools serving an overwhelmingly poor and minority student body. These schools have improved attendance rates and, with restorative justice programs, have reduced suspensions. In many, graduation rates and test scores have improved significantly as well. There are some uniformed police in Baltimore schools, but state law requires that they be unarmed and there is public pressure to further reduce their presence.⁵³

In addition to better funding for high-needs schools more generally, officials should adopt a variety of evidence-based reforms that are cheaper and more effective than police. Social and emotional learning, behavioral monitoring and reinforcement, peaceable-schools programs, and restorative justice systems have all been shown to reduce discipline

problems in schools without relying on the logic of control and punishment.

Restorative justice programs are the most established of these alternatives. They were originally conceived to deal with crime in communities but have taken off in schools. Across the country, schools are implementing programs that turn away from punitive approaches to managing student behavior, embracing mechanisms for addressing the underlying causes of student misbehavior and working to integrate students into the community as responsible community members rather than pushing them out, as current disciplinary systems tend to do.

Restorative justice practices are based on a variety of indigenous practices from around the world that predominate in traditional, close-knit communities, in which problems need to be resolved in ways that encourage community stability, cohesion, and self-sustainability. These practices are being implemented in many forms, including peer juries, problem-solving circles, community service, and conflict mediation. To be truly effective, these programs need buy-in from teachers and administrators over time in order to build student trust. At the core of all these mechanisms is the desire to make schools a welcoming place for young people regardless of the problems they bring to school and to try to work out those problems cooperatively in a way that is in the best interest of the student and the larger school community.

The National Education Association, the American Federation of Teachers, and the Advancement Project have teamed up to promote these efforts by producing a guide for teachers.⁵⁴ *Restorative Practices: Fostering Healthy Relationships and Promoting Positive Discipline in Schools* lays out basic principles, such as resolving conflicts in ways that demand that people take meaningful responsibility for their actions and work to change them, build healthy relationships throughout the school, reduce harmful behaviors, repair harms, and restore positive relationships.

These programs take resources. Teachers need to be trained and class time needs to be set aside. Further, schools that are undergoing stress from budget cuts and chasing after test scores to stay open will find it difficult to cultivate a supportive and caring atmosphere and will be reluctant to take the time away from instruction necessary to implement these programs in an effective way. Replacing suspensions with forced community service, like cleaning hallways, won't turn things around.

In Social and Emotional Learning, students and teachers work together to develop a variety of life skills to help them deal with conflict and be more effective at school.⁵⁵ The program is guided by five principles that are instilled through the process: self-awareness, self-management, social awareness, relationship skills, and responsible decision making. The best known implementation of this approach is the Resolving Conflict Creatively Program (RCCP), begun in 1995. The program, which has been active in New York City schools and dozens of others, uses interactive methods to teach children skills in anger management, negotiation, mediation, cooperation, and intercultural understanding. Extensive research shows that these programs consistently improve both school discipline and educational outcomes. This is true for in-school and after-school programs and for students with or without disabilities, regardless of race.⁵⁶ A Columbia University study found that children receiving RCCP instruction from their teachers developed more positively than their peers: they saw their social world in a less hostile way, saw violence as an unacceptable option, and chose nonviolent ways to resolve conflict. They also scored higher on standardized tests in reading and math.⁵⁷

Behavioral Monitoring and Reinforcement is a primarily middle school program designed to help students who are at high risk of coming into contact with the criminal justice system, using drugs, or dropping out. This program relies on positive reinforcement and empowerment strategies. Students in the program had higher grades and better attendance compared to students in a control group. A one-year follow-up study showed that students in the program had less self-reported delinquency, drug abuse, suspension, absenteeism, tardiness, academic failure, and unemployment compared to control students. A five-year follow-up study found that these students had fewer county court records than students in the control group.⁵⁸

These programs are incompatible with the current emphasis on high-stakes testing that measures school success almost entirely on student performance on these tests. Programs that deal with students' overall wellbeing are too often viewed as a distraction from teaching to the all-important test. Any effort, then, to make school safer and less punitive has to break away from that approach to education and address student needs more holistically in a way that takes in their specific needs and the larger

context in which learning is occurring. The research shows that when students feel safe and supported their learning improves. Armed police enforcing zero-tolerance discipline systems undermine that, even when they are well trained and well intentioned. The nature of police is to be a force for order and control. Even when they attempt to be positive mentors, it is always backed up by the punitive and coercive capacities that distinguish them from teachers and counselors.

Metal detectors, police on campus, and zero-tolerance disciplinary codes drive a wedge between students and teachers and create a climate of distrust that can actually increase disruptive and criminal behavior, as education professors Matthew Mayer and Peter Leone found in their groundbreaking 1999 study of school crime.⁵⁹ It also reduces the chances that students will alert teachers and administrators to real threats. In most of the mass school shootings committed by students, there were other students who were aware that plans and threats were in place. Too often, they did not report those concerns. According to Mayer and Leone, “creating an unwelcoming, almost jail-like, heavily scrutinized environment may foster the violence and disorder school administrators hope to avoid.”⁶⁰ Schools, they argue, should “focus their effort; effective communication rather than control is the best way to establish the legitimacy of the school’s system of law in the minds of students.”⁶¹

We must break completely with the idea of using police in schools. They have no positive role to play that couldn’t be better handled by nonpolice personnel. There may be a need to protect schools from intruders, but so far, having armed police in schools does not appear to be the solution. Even if armed police are needed, they have no business operating on school grounds. If necessary, they can be stationed at the school’s perimeter or dispatched as needed. Will there be tragic events on school campuses? Yes, and having more armed police on campus has not proven effective in reducing them. Instead, they have been incredibly effective at driving young people out of school and into the criminal justice system by the hundreds of thousands. Even if armed police on campus were an effective tool for reducing a few violent incidents, the social costs of that approach are not acceptable. We must find better ways to keep kids safe than turning their schools into armed fortresses and prisons. It’s time to take police out of the schools and reject the harsh

punitive focus of school management. Our young people need compassion and care, not coercion and control.

- 23 Ibid.
- 24 Mike Cox, *The Texas Rangers: Wearing the Cinco Peso, 1821–1900* (London, UK: Macmillan, 2008).
- 25 William Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848–1928* (Oxford, UK: Oxford University Press, 2013).
- 26 Aaron Cantu, “The Chaparral Insurgents of South Texas,” *New Inquiry*, April 7, 2016; Rebecca Onion, “America’s Lost History of Border Violence,” *Slate*, May 5, 2016.
- 27 Benjamin Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans* (New Haven, CT: Yale University Press, 2005).
- 28 Julian Samora, Joe Bernal, and Albert Peña, *Gunpowder Justice: A Reassessment of the Texas Rangers* (Notre Dame, IN: University of Notre Dame Press, 1979).
- 29 Walter Webb, *The Texas Rangers: A Century of Frontier Defense* (Boston: Houghton Mifflin, 1935).
- 30 Walter Webb, *The Texas Rangers: A Century of Frontier Defense*, 2nd ed. (Austin, TX: University of Texas Press, 1965).
- 31 Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001).
- 32 Richard Wade, *Slavery in the Cities: The South 1820–1860* (Oxford, UK: Oxford University Press, 1967), 80.
- 33 Ibid, 82.
- 34 Hadden, *Slave Patrols*, 4.
- 35 Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008).
- 36 Williams, *Our Enemies in Blue*, Ch. 4.
- 37 Micol Seigel, “Objects of Police History,” *Journal of American History* 102, no. 1 (2015): 152–161.
- 38 Kuzmarov, *Modernizing Repression*, 235.
- 39 Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis* (Brooklyn, NY: Verso Books, 2000).
- 40 Jonathon Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford, UK: Oxford University Press, 2007).
- 41 Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2013).
- 42 Jeffrey Reiman, *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice* (Boston: Pearson, 2007).
- 43 Alexander, *The New Jim Crow*, 224–5.
- 44 Simon, *Governing Through Crime*.

3 The School-to-Prison Pipeline

- 1 “Justice League NYC,” gatheringforjustice.org/justiceleaguenyc.
- 2 Lucinda Gray and Laurie Lewis, *Public School Safety and Discipline: 2013–2014* (Washington, D.C.: National Center for Education Statistics, U.S. Department of Education, 2015). Retrieved July 15, 2016 from <http://nces.ed.gov/pubsearch>.
- 3 “COPS in Schools (CIS),” *U.S. Department of Justice Community Oriented Policing Services*, <http://www.cops.usdoj.gov/default.asp?Item=54>.

- 4 John Dilulio, "The Coming of the Super-Predators," *Weekly Standard*, November 27, 1995, 23; James Q. Wilson, "Crime and Public Policy," in *Crime*, eds. James Q. Wilson and Joan Petersilia (San Francisco: Institute for Contemporary Studies Press, 1995).
- 5 Dilulio, "The Coming of the Super-Predators."
- 6 Melissa Sickmund and Charles Puzzanchera, eds., *Juvenile Offenders and Victims: 2014 National Report* (Pittsburgh, PA: National Center for Juvenile Justice, 2014).
- 7 Advancement Project, *Test, Punish and Push Out: How Zero Tolerance and High-Stakes Testing Funnel Youth into the School-To-Prison Pipeline* (Washington, D.C.: Advancement Project, January 2010).
- 8 Ibid, 32.
- 9 Ibid, 31.
- 10 Augustina Reyes, *Discipline, Achievement, and Race: Is Zero Tolerance the Answer?* (New York: Rowman and Littlefield, 2006).
- 11 Annette Fuentes, *Lockdown High: When the Schoolhouse Becomes and Jailhouse* (Brooklyn, NY: Verso, 2013).
- 12 Abigail Thernstrom and Stephen Thernstrom, *No Excuses: Closing the Racial Gap in Learning* (New York: Simon and Schuster, 2004).
- 13 Kate Taylor, "At a Success Academy Charter School, Singling Out Pupils Who Have 'Got to Go,'" *New York Times*, October 29, 2015.
- 14 *PBS Newshour*, "Is kindergarten too young to suspend a student?" October 12, 2015.
- 15 Taylor, "At a Success Academy Charter School."
- 16 US Department of Education Office for Civil Rights, "Data Snapshot: School Discipline," Civil Rights Data Collection, no. 1 (March 2014).
- 17 Libby Nelson and Dara Lind, "The school to prison pipeline, explained," Justice Policy Institute, February 24, 2015.
- 18 Tamar Lewin, "Black Students Face More Discipline, Data Suggests," *New York Times*, March 6, 2012.
- 19 Ibid.
- 20 Project Nia, "Data on School 2013–2014," *Policing Chicago Public Schools* 3 (2015).
- 21 Daniel Losen and Russell Skiba, *Suspended Education: Urban Middle Schools in Crisis* (Montgomery AL: Southern Poverty Law Center, 2010).
- 22 Jonathan Brice, "Baltimore Leader Helps District Cut Suspensions," *Education Week*, February 6, 2013; Rachel Graham Cody, "Expel Check," *Williamette Week*, September 24, 2013; Jill Tucker, "Oakland schools to get suspension monitor," *SF Gate*, September 27, 2012; Lewin, "Black Students Face More Discipline"; Children's Defense Fund—Ohio, "Issue Brief: Zero Tolerance and Exclusionary School Discipline Policies Harm Students and Contribute to the Cradle to Prison Pipeline," *Kids Count*, November 2012.
- 23 US Department of Justice and US Department of Education, "Dear Colleague Letter: Nondiscriminatory Administration of School Discipline," January 8, 2014.
- 24 Susan Ferriss, "Update: How kicking a trash can became criminal for a 6th grader," *Center for Public Integrity*, September 3, 2015.
- 25 Ibid.
- 26 American Civil Liberties Union, "Kentucky Case Spotlights Problem of Untrained Law Enforcement Disciplining Students with Disabilities," August 3, 2015.
- 27 Niraj Chokshi, "School police across the country receive excess military weapons and gear," *Washington Post*, September 16, 2014.
- 28 American Civil Liberties Union, "South Carolina Students Were Terrorized by Police Raid with Guns and Drug Dogs, ACLU Lawsuit Charges," December 15, 2003.

- 29 Rebecca, Leung, “Ambush at Goose Creek: Drug Worries Lead to Raid at S. Carolina High School,” *CBS News*, February 2, 2004.
- 30 Bethany Peak, “Militarization of School Police: One Route on the School-to-Prison Pipeline,” *Arkansas Law Review* 68, no. 2 (2015): 195–229.
- 31 Fuentes, *Lockdown High*, 155.
- 32 Dana Goldstein, “In Your Face: Does Tear Gas Belong in Schools? Do Police?” Marshall Project, January 26, 2015.
- 33 Emma Brown, “Judge: Police can no longer pepper-spray students for minor misbehavior at school,” *Washington Post*, October 1, 2015.
- 34 Elliot McLaughlin, “Texas student tased by police exits coma, enters rehabilitation, attorney says,” CNN, February 3, 2014.
- 35 Thad Moore, Nicole Hensley, and Corky Siemaszko, “Deputy involved in body-slam arrest of Spring Valley High student is dating a black woman so he can’t be racist, sheriff says,” *New York Daily News*, October 27, 2015.
- 36 “Police Brutality—Officer Beats Special Ed Kid,” YouTube video, 3:29, posted by “StopTheBrutality,” October 27, 2010, <https://www.youtube.com/watch?v=HU5fAGOVvEM>.
- 37 Jaeah Lee, “Chokeholds, Brain Injuries, Beatings: When School Cops Go Bad,” *Mother Jones*, July 14, 2015.
- 38 Eva Ruth Moravec, “Teen shot by Northside officer identified,” *My San Antonio*, November 15, 2010.
- 39 James Pinkerton, “Local school police used force on students hundreds of times in recent years,” *Houston Chronicle*, March 27, 2015.
- 40 “Additional counselors at Price Middle School after shooting,” *WGCL-TV Atlanta*, February 28, 2013.
- 41 Chongmin Na and Denise Gottfredson, “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors,” *Justice Quarterly* (2011): 1–32.
- 42 Barbara Raymond, “Response Guide No. 10: Assigning Police Officers to Schools,” Center for Problem-Oriented Policing, 2010.
- 43 US Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* (Washington, D.C.: US Department of Education, 2014).
- 44 Seth Stoughton and Josh Gupta-Kagan, “Why are Police Disciplining Students?” *Atlantic*, October 29, 2015.
- 45 R.E. Hamilton, “School, Police, and Probation: A Winning Team in Fresno,” *School Safety* (Spring 1996): 20–23.
- 46 Kevin Quinn, “My View: More school resource officers, more safe school,” CNN, January 17, 2013.
- 47 I. India Thusi, “Systemic Failure: The School-to-Prison Pipeline and Discrimination Against Poor Minority Students,” *Journal of Law and Society* 13 (2011): 281–299; Peak, “Militarization of School Police.”
- 48 Lisa Thureau, “Cops and Kids: We Need New Thinking,” *Crime Report*, April 2, 2015.
- 49 US Department of Education, Office of Special Education Programs, “Positive Behavioral Interventions and Supports,” pbis.org.
- 50 New York City School-Justice Partnership Task Force, *Keeping Kids in School and Out of Court: Report and Recommendations* (Albany, NY: New York State Permanent Judicial Commission on Justice for Children, 2013).
- 51 Urban Youth Collaborative, “The \$746 Million a Year School-to-Prison Pipeline,” Center for Popular Democracy, 2011.

- 52 American Federation of Teachers, “Community Schools,” <http://www.aft.org/position/community-schools>.
- 53 Emma Brown, “Some Baltimore youth have fears of police reinforced in their schools,” *Washington Post*, May 2, 2015.
- 54 Ibid.
- 55 Collaborative for Academic, Social, and Emotional Learning, “What is Social and Emotional Learning?” n.d.
- 56 John Payton, Roger Weissberg, Joseph Durlak, Allison Dymnicki, Rebecca Taylor, Kriston Schellinger, and Molly Pachen, *The Positive Impact of Social and Emotional Learning for Kindergarten to Eighth Grade Students: Findings from Three Scientific Reviews* (Chicago, IL: Collaborative for Academic, Social, and Emotional Learning, 2008).
- 57 J. Lawrence Aber, Sara Pederson, Joshua Brown, Stephanie Jones, Elizabeth Gershoff, *Changing Children’s Trajectories of Development: Two-Year Evidence for the Effectiveness of a School-Based Approach to Violence Prevention* (New York: National Center for Children in Poverty, 2003).
- 58 National Dropout Prevention Center/Network, “Model Program: Bry’s Behavioral Monitoring and Reinforcement Program,” n.d.
- 59 Matthew Mayer and Peter Leone, “A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools,” *Education and Treatment of Children* 22, no. 3 (1999): 333–356.
- 60 Ibid, 349.
- 61 Ibid, 352.

4 “We Called for Help, and They Killed My Son”

- 1 The chapter title is taken from a news report. See Michael Pearson, Christina Zdanowicz and David Mattingly, “ ‘We called for help, and they killed my son,’ North Carolina man says,” CNN, January 7, 2014.
- 2 Egon Bittner, “The Police on Skid-Row: A Study of Peace Keeping,” *American Sociological Review* 32, no. 5 (1967): 699–715.
- 3 *Guardian*, “The Counted.”
- 4 Doris Fuller, H. Richard Lamb, Michael Biasotti, and John Snook, *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters* (Arlington, VA: Treatment Advocacy Center, 2015).
- 5 Powell Shooting (Cell Phone Camera), YouTube video, posted by Sol Rayz, August 20, 2014, www.youtube.com/watch?v=j-P54MZVxMU&feature=youtu.be&bpctr=1470409330.
- 6 Naomi Martin, “Video: Dallas cops fatally shoot mentally ill man wielding screwdriver,” *Dallas Morning News*, March 17, 2015.
- 7 Joseph Berger, “Officer Fatally Shoots Man After Stabbing in Brooklyn Synagogue,” *New York Times*, December 9, 2014.
- 8 Alexandra Sims, “Nicholas Salvador became ‘obsessed’ with beheading videos weeks before killing grandmother Palmira Silva,” *Independent*, June 24, 2015.
- 9 Ben Cohen, “This is How UK Police Stop Someone with a Knife,” *Daily Banter*, August 21, 2014.
- 10 Daily Mail Reporter, “The moment thirty riot police tackled machete-wielding man with a wheelie bin,” *Daily Mail*, May 20, 2011.