



# Avoiding Criminalization in the Physical School Environment & Infrastructure

## Human Rights Goal

The physical school environment should be a reflection of the positive school climate the school is fostering. Schools and districts should use the funds they have for building maintenance and technological infrastructure to invest in improvements that will create a better learning environment, rather than investing in more criminalization and surveillance.

## Recommended Language

**A. Schools shall create welcoming and positive environments and avoid physical features and practices that create a criminalizing environment. Schools shall:**

1. Avoid surrounding buildings or campuses with razor wire, spiked fences and security gates. Lower gates or chain link fences are a better alternative if a gate is mandated.
2. Avoid covering windows with bars, security gates or mesh.
3. Avoid locking bathrooms or various sections of the school off from one another, and avoid surrounding different sections with internal gates and fences.

4. If a school or district requires uniforms, involve students and parents or guardians in their design and/or selection, and avoid colors and styles that are used in juvenile halls, jails and prisons.

**B.**

**Schools shall not invest in or enter into agreements/MOUs regarding technological infrastructure that can have a criminalizing effect on the student body such as:**

1. Body cameras for law enforcement in schools or school staff.
2. Any form of predictive tool or algorithm that claims to predict whether students will engage in misbehavior, or are at risk for future involvement in the criminal justice systems, for example risk assessments.
3. Facial recognition software.

**C.**

**Districts and schools shall refrain from utilizing metal detectors—either standing or wands.**

1. Districts and schools shall not introduce new metal detectors and shall take steps to eliminate the use of metal detectors<sup>1</sup> and employ more effective, less costly and less intrusive means of promoting school safety<sup>2</sup>.
2. Where metal detectors are employed:
  - a. Metal detector use shall always coincide with the simultaneous use of less intrusive, evidence-based preventive and positive alternatives and shall be implemented for a time-bound period of no more than one year requiring review with the school community before their use can be continued.
  - b. Steps shall be taken to ensure quick access to school and minimize disruption to the school schedule.<sup>3</sup>
  - c. Schools shall maintain the following data to determine the metal detectors' impact on the school environment disaggregated by race and other demographic characteristics:
    - i. The number of metal detector scans conducted each day;
    - ii. The wait-time for metal detector scans;
    - iii. The number of students subjected to a secondary scan;

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1 ACLU of Southern California, Here to Learn (2018). Available at: [https://www.aclusocal.org/sites/default/files/aclu\\_socal\\_report\\_here\\_to\\_learn.pdf](https://www.aclusocal.org/sites/default/files/aclu_socal_report_here_to_learn.pdf)

2 Girls for Gender Equity, Schools Girls Deserve (2017). Available at: [http://www.ggenyc.org/wp-content/uploads/2017/11/GGE\\_school\\_girls\\_deserveDRAFT6FINALWEB.pdf](http://www.ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWEB.pdf)

3 See generally, JENNIFER MEDINA, THE NEW YORK TIMES, METAL DETECTORS MAKING STUDENTS LATE, IF NOT SAFER, available at <http://www.nytimes.com/2002/11/06/nyregion/metal-detectors-making-students-late-if-not-safer.html>.

- iv. The number of students subjected to a body search;
  - v. The number of altercations between students and staff/SRO's that arose due to a metal detector scan;
  - vi. A description of all items seized because of a metal detector scan;
  - vii. An analysis of loss of student class time associated with metal detector scans;
  - viii. An analysis of whether certain student populations have been disproportionately impacted by the metal detectors; and
  - ix. An analysis of student attendance, retention and drop-out rates;
  - x. A qualitative analysis of the social and emotional impact on students of the metal detectors.
3. At the end of each school year, schools with metal detectors shall conduct an evaluation to assess what steps can be taken to remove the metal detectors.
- a. Students, parents or guardians, other community members and school staff shall be consulted as part of such evaluations, including through at least one public hearing on the matter.
  - b. Such evaluations shall include: publicly available analysis of the data collected by the school about the scanner implementation; analysis of student attendance, retention and drop-out rates and loss of student class time due to waiting at metal detectors; and a clear explanation or rationale as to the reasons to either retain or remove the metal detectors. Special consideration shall be given to whether certain student populations have been disproportionately impacted by the metal detectors.
  - c. No school or district shall continue the use of metal detectors without first, considering evidence-based preventive and positive alternatives, restorative practices or other methods for promoting safety, and second, determining that those positive, less intrusive means alone are unable to protect student safety in the face of a credible danger. ■