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April 22, 2019

Elizabeth Davis, Statistician
Law Enforcement Statistics
Bureau of Justice Statistics
810 Seventh St. NW
Washington, DC 20531
Elizabeth.Davis@usdoj.gov

RE: Comments Regarding the Bureau of Justice Statistics information collection concerning the Survey of Law Enforcement Personnel in Schools, OMB No. 1121-NEW

Dear Ms. Davis:

The Dignity in Schools Campaign (“DSC”) writes to provide comment for the Bureau of Justice Statistics (BJS) information collection request concerning the Survey of Law Enforcement Personnel in Schools (SLEPS). We urge you to update the collection to more rigorously inspect the effects of the use of law enforcement in schools on students, particularly the most vulnerable groups.

DSC is a coalition of over 100 grassroots and education advocacy organizations in more than 20 states. Since its inception in 2006, DSC members have worked to dismantle the school-to-prison pipeline by advocating for educational environments that keep students in school and learning. We have challenged the use of school policing practices that disproportionately impact students of color, students with disabilities, and students who identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ), which the Department of Education’s (ED’s) most recent civil rights data and other national research verifies.¹ Our Counselors Not Cops campaign² provides resources for parents, advocates, and other community members on evidence-based interventions that serve as alternatives to the existing culture of zero-tolerance, punishment, criminalization, and the dismantling of public schools.

¹ U.S. Dep’t of Education, 2015-2016 Civil Rights Data Collection: School Climate and Safety (April 2018), <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>. See also, Hilary Burdge, Adela C. Licona & Zemi T. Hyemingway, LGBTQ Youth of Color: Discipline Disparities, School Push-out, and the School-to-Prison Pipeline 2, https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf (“Research shows that LGBTQ youth of color in particular face persistent and frequent harassment and bias-based bullying from peers and school staff as well as increased surveillance and policing, relatively greater incidents of harsh school discipline, and consistent blame for their own victimization.”).

² See <https://dignityinschools.org/resources/a-resource-guide-of-faqs-data-and-supplemental-information-on-counselors-not-cops/>.

The presence of law enforcement officers in schools has increased dramatically over the years, despite the fact that their presence has not been shown to make schools safer.³ In fact, school police officers too often address routine disciplinary matters best left to educators.⁴ Black students,⁵ students with disabilities,⁶ and LGBTQ students⁷ are disproportionately referred and arrested for these behaviors and pushed into the juvenile or criminal justice system. Our suggested additions to the SLEPS data collection concentrate on these issues, making it a more useful and reliable source of information on school policing and its effect on students.

The survey should collect student arrest and referral data disaggregated by race, gender, disability status, and offense.

The agency-level survey should collect data on the number of students arrested by law enforcement officers working in schools, disaggregated by race, gender, and disability status to better assess the subgroups of students that are too often arrested and referred for minor incidents.⁸ The data should also be disaggregated by student offense, including each offense listed in Question 18 of the proposed 2019 SRO survey and the following additional offenses (which should also be added to the list in Question 18 of the SRO survey): truancy, vandalism, alcohol possession, tobacco possession, and trespassing or loitering. The survey should ask how many of these arrests resulted in a delinquency finding or a conviction. Additionally, the officer-level survey should ask about the number of students each officer has referred to school administrations for suspension or expulsion in the previous twelve months to help researchers examine the relationship between SRO presence and exclusionary discipline practices.

The survey should collect more information on the use of force and weapons.

The survey should collect more data on SROS' use of force and weapons. A lack of data on police use of force in schools makes it difficult for students and parents to see SROs

³ See Cheryl Corley, *Do Police Officers in Schools Really Make Them Safer?*, NPR, Mar. 8, 2018, <https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>.

⁴ Jason Nance, *Students, Police, and the School-to-Prison Pipeline*, University of Florida Levin College of Law, 2016, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333.

⁵ 2015-16 Civil Rights Data Collection: School Climate and Safety, Apr. 2018, <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

⁶ *Id.*

⁷ Neal A. Palmer, et al., EDUCATIONAL EXCLUSION: DROP OUT, PUSH OUT, AND THE SCHOOL-TO-PRISON PIPELINE AMONG LGBTQ YOUTH, GAY, LESBIAN & STRAIGHT EDUCATION ALLIANCE (GLSEN) (2016), available at https://www.glsen.org/sites/default/files/Educational%20Exclusion_Report_6-28-16_v4_WEB_READY_PDF.pdf.

⁸ See, e.g., Kerrin Wolf, *Booking Students: An Analysis of School Arrests and Court Outcomes*, 9 NORTHWESTERN J. OF LAW & SOCIAL POLICY 1 (Fall 2013), available at <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1109&context=njfsp> (finding that over 90% of school-based arrests in Delaware during the 2010-2011 school year were for misdemeanors); Phillip Kassel, et al., *Let's stop arresting kids for being kids*, BOSTON GLOBE, Feb. 10, 2014, <https://www.bostonglobe.com/opinion/2014/02/10/let-stop-arresting-kids-for-being-kids/pFuP3MWcCR0T2Tl4rjG7IK/story.html> (finding that in Boston, Worcester, and Springfield, Massachusetts, children are most often arrested for minor offenses, with more than half of misconduct arrests in Springfield being for "disrespect"); Deanna Pan and Paul Bowers, *Criminal offense or adolescent misbehavior? Disturbing schools' blurs the line*, POST & COURIER, Aug. 5, 2016, available at https://www.postandcourier.com/archives/criminal-offense-or-adolescent-misbehavior-disturbing-schools-blurs-the-line/article_dc56c01c-efe1-5bbb-bb73-7d266cc72bc0.html (Since 2001, in South Carolina there have been more than 29,000 referrals to the juvenile justice system for "disturbing school").

who use excessive force held accountable.⁹ While Question 29 on the agency-level survey asks whether various weapons are issued by the agency and whether they are allowed on campus, neither survey asks whether the SROs actually carry these weapons. The officer-level survey should include a question asking whether the officers carry firearms, batons, conducted energy devices, pepper spray, or other weapons.

Additionally, both surveys should ask about use-of-force incidents and complaints. The agency-level survey should include a reporting of the number of incidents of force recorded by the agency and the number of complaints that have been filed regarding use of force by officers who are assigned to schools. The agency-level survey should also ask if the agency has a written policy concerning use of force by SROs and should include a question asking the SROs whether they have used force while on assignment at a school.

The survey should ask whether training is provided on implicit bias and constitutional rights.

Question 25 of the agency-level survey, which asks about the types of social and behavior training that is offered by the agency to SROs, should include training on bias-free policing. The same adjustment should be made to Question 13 of the officer-level survey. Implicit bias is related to, but distinct from, cultural sensitivity and/or cultural competency—one of the training topics listed in Question 25. Because implicit bias contributes to racial disparities in school discipline, it is important for SROs to be trained about implicit bias and for the SLEPS data collection to measure what percentage of SROs are receiving training on bias-free policing.¹⁰ Question 23 of the agency-level survey and Question 11 of the officer-level survey, which ask what law enforcement training topics are offered by the agency to SROs, should include training on the civil or constitutional rights of students.

The survey should collect information on student interviews

The agency-level survey should ask if SROs are allowed to conduct interviews of students outside of the presence of a parent and/or guardian without first obtaining permission from the parent or guardian. The survey should also ask whether officers have actually conducted interviews of students outside the presence of a parent and/or guardian and, if so, how many such interviews they have conducted in the previous twelve months.

Thank you for considering this letter. If you have any questions or concerns, please do not hesitate to contact Natalie Chap at natalie@dignityinschools.org.

Sincerely,
The Dignity in Schools Campaign
(www.dignityinschools.org)

⁹ P.R. Lockhart, *The Parkland Shooting Fueled Calls for More School Police. Civil Rights Groups Want Them Removed*, Vox, Sept. 20, 2018, <https://www.vox.com/identities/2018/9/20/17856416/school-discipline-policing-black-students-report>.

¹⁰ See Ajmel Quereshi, et al., *Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline*, LDF, 2017, https://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf.