



A MODEL CODE on Education and Dignity

CHAPTER 3: DIGNITY

3.3 Law Enforcement and Criminalization in School Environments

Human Rights Goal

In order to best meet the developmental needs of young people, schools shall be safe and supportive places to learn where school staff and students have training and support to prevent and resolve conflicts in positive ways. In order to guarantee students' rights to education and dignity, schools must avoid any disciplinary policies or practices that criminalize young people,¹⁵⁰ and should remove all law enforcement from the school environment.

No law enforcement personnel should be stationed in schools, and local police should not be assigned to patrol schools¹⁵¹. Law enforcement entering schools shall be avoided whenever possible and shall be prohibited for incidents considered school discipline matters. The arrest or detention of a student shall be used only as a measure of last resort¹⁵², and law enforcement should not come into schools for the purpose of arresting or questioning students about a non-emergency incident. Any law enforcement personnel that come into contact with schools shall be trained in youth development and to respond to the special needs of young persons and shall use, to the maximum extent possible, techniques to de-escalate conflict, minimize the involvement of law enforcement and refer matters to be dealt with by school personnel.¹⁵³

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.

Definitions

- 1. Law Enforcement (prohibited from being stationed in schools)** – Includes sworn officers (and unsworn if they are armed security), municipal police officers, school police officers, school resource officers (SROs), sheriff's deputies, parole and probation officers, tribal officers, truancy officers, ICE officers or other immigration officials and armed security guards and any other law enforcement personnel who fit any of the criteria below:
 - a. Have the power to arrest, detain, interrogate, question, perform a custodial investigation, refer a person to juvenile or criminal court, fine or ticket students on municipal code, juvenile, criminal or immigration-related matters., and/or have the power to punish youth for violations of probation or parole; or
 - b. Carry any type of weapon, including but not limited to a firearm, baton, taser, rubber bullets, bean bags, and/or mace/pepper/OC spray, and/or carry handcuffs or other forms of restraint; or
 - c. Report to, are certified by, or receive training from a police department, including personnel who can report students to a gang database or other police databases.
 - d. Anyone considered under state law to meet the definition of law enforcement.
 - e. Unarmed private security guards who are contracted out and are not school staff.
- 2. School Resource Officers (SROs)** – Any safety officers permanently assigned to work in a school or set of schools. Currently, in some localities, they are sworn or certified law enforcement officers employed by city police

¹⁵⁰ The Riyadh Guidelines, supra note 124 at ¶ 5.

¹⁵¹ School Policing: What the Research Shows. ACLU of PA (2019) Available at: <https://drive.google.com/file/d/1yXBHTRHRRyOVaPm7zclLiPLO4rcpnou/view>.

¹⁵² U.N. Convention on the Rights of the Child art. 37.

¹⁵³ The Riyadh Guidelines, supra note 124 at ¶ 58.

departments, whereas in other localities they make up an independent school police department and are employed directly by the school district.¹⁵⁴

3. **Security officers or security guards** – Non-sworn personnel—either armed or unarmed—and hired or sub-contracted with individual schools or school districts to patrol in or around campuses. Schools may hire staff that they give the title “security guard” or other similar designation with a connotation of law enforcement. While our recommendations do not prohibit a staff member from having this title and some responsibilities including monitoring entrances or intervening in conflicts, we strongly recommend reframing this position into something like a Community Intervention Worker or other title that signals to the staff and the students that they are not affiliated institutionally or professionally with law enforcement, will not be criminalizing students, and are part of building a positive, human-rights-centric school community.
4. **Police Officers** – Armed, sworn or certified law enforcement officers employed by city and/or school police departments. Police officers may be assigned to patrol schools, rotated in and out of schools as part of their regular duties, assigned to patrol the area around a school or nearby public transportation stops, or summoned in cases of emergency.¹⁵⁵
5. **Community Intervention Workers** – Community members trained as peacebuilders working in schools, around schools and/or in the larger community. Intervention workers can replace the traditional role of security officers or police on or around school campuses. In schools they may be paid staff or volunteers. In the community they often have a “license to operate” or agreement with local leaders to work in the community. Intervention workers have trusted and deep relationships with local communities and both recognized and underground leaders. These trusted relationships are at the root of their effectiveness in identifying, resolving and preventing conflict, violence and crime. Their work includes mentoring youth, preventing and addressing bullying, preventing and resolving conflicts and connecting people to needed services. The role of community intervention workers includes:¹⁵⁶
 - a. Mentoring youth, particularly those youths who most often witness, are victims of and/or cause violence;
 - b. Preventing and addressing bullying and providing rumor control;
 - c. Preventing and resolving conflicts between youth, groups of youth and/or neighborhoods (gangs); preventing retaliation; and coordinating mediation, conflict resolution and restorative/transformational justice;
 - d. Helping youth to avoid and/or leave neighborhoods and providing safe passage to and from school; and
 - e. Connecting people to needed services.

Recommended Language

- A. **Districts and schools must remove any law enforcement personnel that are assigned to be present on a regular basis in and around¹⁵⁷ a school or set of schools during regular school hours and any school-run activities in the building.**
 1. This would prohibit a regular presence, such as being stationed full or part-time in a school or set of schools, making daily or weekly visits, or the inclusion of a school in an officer’s regular beat.
 2. This includes School Resource Officers (SROs), police, security officers and any other law enforcement personnel¹⁵⁸ that meet the criteria listed above in the definition for law enforcement.
- B. **States, districts and schools shall adopt safety and discipline policies that emphasize ways of maintaining safety that minimize the involvement of outside law enforcement to the greatest extent possible, and identify steps for ending any contact with law enforcement in schools.**

¹⁵⁴ See generally Catherine Y. Kim & I. India Geronimo, Am. Civil Liberties Union, Policing In Schools: Developing A Governance Document For School Resource Officers In K-12 Schools (2009), available at http://www.aclu.org/pdfs/racialjustice/whitepaper_policinginschools.pdf; Jason Langberg Et Al., Advocates For Children’s Servs., Law Enforcement Officers In Wake County Public Schools: The Human, Educational, And Financial Costs (2011), available at http://www.legalaidnc.org/public/ACS/IssueBrief_Feb-11_SROs_Rev.pdf.

¹⁵⁵ Id.

¹⁵⁶ Youth Justice Coalition, Welcome Home L.A. From The Cell Block To The Corner Block, <http://www.youth4justice.org/wp-content/uploads/2012/12/2012WelcomeHomeLA.pdf>. Use of the word neighborhoods refers to gangs, but is less criminalizing in that not all alleged gangs and the vast majority of people affiliated with them are not involved in crimes.

¹⁵⁷ For the purposes of these recommendations, “in and around” is meant to encapsulate the criminalization by law enforcement that specifically targets students while they are coming in and out of school.

¹⁵⁸ Law enforcement includes sworn officers (and unsworn if they are armed security), municipal police officers, school police officers, school resource officers (SROs), sheriff’s deputies, parole and probation officers, tribal officers, truancy officers, ICE officers or other immigration officials and armed security guards.

1. Such policies must be preventive and positive, not reactive and punitive, and they must rely on proven approaches for creating positive school climates (see Section 3.1. Key Elements of School Climate and Positive Discipline), with the goal of building relationships with students and getting to the root of problems in the school and surrounding community.
2. States, districts and schools should shift resources away from practices and staffing that criminalize students, and invest in positive approaches and school staff funded through the core education budget¹⁵⁹ including:
 - a. Divesting from all law enforcement roles in schools and using those funds to invest in building truly safe and welcoming schools, in particular the staffing and structures listed below.
 - b. Employing staff¹⁶⁰ trained to ensure safe and positive school climates, such as community intervention workers, peacebuilders, transformative or restorative justice coordinators, behavior interventionists, school aides, counselors and other support staff¹⁶¹ who can:
 - i. Help prevent and address safety concerns and conflict;
 - ii. Monitor school entrances and ensure a welcoming environment;
 - iii. Respond to the root causes of behavior by meeting students' individual needs including mental, physical, and social needs like counseling, referrals to services, modeling culturally affirming social and emotional skills, and by being a caring adult who can provide general support for students;
 - iv. Prevent and intervene to stop tensions among students through restorative and transformative justice and other non-punitive practices;
 - v. Provide opportunities for "safe surrender" of weapons brought to school for self-defense; and
 - vi. Work with stakeholders to create a school safety plan, including a plan for evacuation should the need arise, and ensure all staff are trained to carry out the plan.
 - c. Providing ongoing training and support for all school staff in positive approaches to school climate and discipline, including:
 - i. Restorative and transformative justice practices;
 - ii. School-Wide Positive Behavioral Interventions and Supports and/or other positive approaches to school climate and discipline being used in the district.
 - iii. Culturally responsive trauma-informed practice;
 - iv. Child and adolescent development and psychology;
 - v. Conflict resolution and peer mediation;
 - vi. De-escalation techniques;
 - vii. Violence prevention, intervention, and truce-building strategies;
 - viii. Bias-based and sexual harassment and violence;
 - ix. Working with youth with disabilities or physical, emotional, or mental conditions;
 - x. Working with LGBTQ+ and gender non-conforming youth;
 - xi. Cultural competencies (including understanding and addressing racism, sexism, homophobia, transphobia, ableism, adultism/ageism, and other implicit and explicit biases);
 - xii. The impacts of arrest, court, detention, incarceration and/or deportation on youth life chances; and
 - xiii. Effective strategies for building safe schools without relying on suppression.
 - d. Promoting youth and parent leadership within the school through leadership councils that have an integral role in creating, implementing, monitoring and evaluating safe and supportive school climates. This may include serving as restorative justice facilitators in the school, ensuring there are trainings for all parents, students and community members to fully understand how positive alternatives are being implemented and who is responsible for different aspects of maintaining a positive school climate, and monitoring any agreements with law enforcement (detailed below).
 - e. Developing district-level structures, such as a Student and Teacher Supportive Services Department, that will:
 - i. Coordinate support staff, including counselors, social workers, nurses, dropout prevention coordinators, community intervention workers, peacebuilders, behavior interventionists, parent coordinators and others, who are working to promote safe and positive school environments and address the root causes of problems; and
 - ii. Monitor implementation and provide support and coaching for schools that are struggling to implement these practices.

¹⁵⁹ Whether these roles are school-based staff or employed by community-based organizations or government institutions, they must be funded through a district's core education budget and considered a permanent part of the school community.

¹⁶⁰ These staff should be protected by all applicable labor laws, including overtime pay where applicable, and should not be expected to perform these duties outside of their paid hours.

¹⁶¹ Each school must determine what their needs are in terms of supportive school staff, which may include both guidance counselors and therapeutic counselors, social workers, therapists, psychologists, substance abuse counselors, and other mental health professionals. All of these roles are meant to address the root causes of issues impacting students and the larger school climate.

- f. Intentional recruiting of Black and Latino administrators, teachers, school safety staff and support staff trained in the positive approaches above to ensure that school staff reflect the communities in which they are working.
- C. States, districts, schools and municipal governments must ensure police are not criminalizing students by restricting the role of law enforcement that come into schools through laws, policies, binding legal agreements, or other enforceable structures that provide accountability and opportunity for community monitoring and oversight.**
1. This could be codified using a combination of some or all of the below:
 - a. State-level laws or policies limiting the role of police
 - b. District-level policies set by the city or school board, including changes to the code of conduct
 - c. Changes to municipal police policies
 - d. Legally binding agreements drafted by the community outlining requirements of police
 - e. Inclusion of specific policies related to schools in community policing agreements
 2. These laws, policies or legally binding agreements should be publicly available and shared with all school personnel, students, parents/guardians in the form of an explanatory guide. All school administrators, teachers and other staff should be trained on the policies and protocols to ensure that they understand the restrictions on calling police.
 3. These laws, policies or legally binding agreements should include the following protections:
 - a. Prohibiting the regular presence of law enforcement in schools (as detailed in sub-section A above).
 - b. Absent a “real and immediate”¹⁶² threat of serious physical injury to a student, teacher, or other members of the school community, school discipline issues must be handled by school personnel and not by law enforcement. School administrators shall have final responsibility and jurisdiction over the building, the grounds and all members of the school community.¹⁶³ Law enforcement personnel who witness school discipline issues as described below in C.3.c shall locate school personnel (including when available community intervention workers) to respond to the situation.
 - c. Identifying incidents for which the school shall not call the police, and if called, the police will not respond,¹⁶⁴ including but not limited to the behaviors listed below. Although municipal and state penal codes may allow for arrest, fines and other court involvement for the behaviors listed, such actions undermine positive school climate, student attendance and achievement. School personnel—not police—must develop positive behavioral interventions and supports to address typical adolescent behavior.
 - i. Disorderly conduct;
 - ii. Trespassing or loitering;
 - iii. Insubordination/defiance;
 - iv. Profanity, verbal abuse and/or harassment;
 - v. Vandalism and/or graffiti;
 - vi. Failure to wear or correctly wear school uniform or follow policies regarding clothing;
 - vii. Inappropriate use of electronics like cell phones;
 - viii. Possession of a prohibited item that does not violate the penal code;
 - ix. Being late, cutting class, absenteeism or truancy;
 - x. Fighting that does not involve a deadly weapon or a real and immediate threat of serious physical injury to other students; (see Section 3.7.c Model Policy on Fighting).
 - xi. Perceived drunkenness or intoxication;
 - xii. Participation in protests, demonstrations or other political activities;
 - xiii. Possession of markers, pens, black books or other items that are alleged “graffiti tools;”
 - xiv. Possession of drugs or alcohol for personal use¹⁶⁵;
 - xv. Possession of a tool or object that is not intended as a weapon or dangerous instrument—such as a nail clipper or file, small pen knife, butter knife or other eating utensils, toy gun or other imitation weapon, pepper spray, box cutters, multi-finger rings or other fashion accessories, tools used for sports or crafts, etc.;
 - xvi. Possession of a weapon for self-defense purposes, especially for travel to and from school such as pepper spray or electroshock weapons; and

¹⁶² A “real and immediate” threat occurs when an individual “has sustained or is immediately in danger of sustaining some direct injury’ as the result of the...conduct and the injury or threat of injury must...not [be] ‘conjectural’ or ‘hypothetical.’” City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983).

¹⁶³ Resolution 118B, supra note 26 at 16-17.

¹⁶⁴ See sample policies in Philadelphia and Los Angeles available at: https://docs.wixstatic.com/ugd/10497b_f7d8280b96464077a7fb1da49c4f85f0.pdf; and http://www.fixschooldiscipline.org/wp-content/uploads/2014/10/LASPD-Arrest-and-Citation-Reform-Policy_-8-15-14.pdf

¹⁶⁵ Where state laws prohibit school staff from processing or disposing of drugs, that a designated school staff person would be able to gather the drugs for later disposal by a law enforcement official.

- xvii. Alleged or witnessed association with a neighborhood¹⁶⁶ or crew/gang (including verbally, through graffiti, through clothing or hand signs).
- d. Setting strict limits on what law enforcement personnel cannot do when they are called to schools to respond to serious criminal matters, including but not limited to:
 - i. Requiring notifying the school before entering school property;
 - ii. Requiring that school officials immediately contact a student's parents or guardians when law enforcement is called, and whenever possible, before law enforcement is called;
 - iii. Requiring caregiver notification before interrogating or questioning of students and eliminating the ability of law enforcement to question or interrogate students in schools without a parent or guardian present, and allow adequate time for parents or guardians to arrive;
 - iv. Prohibiting law enforcement from approaching, interrogating, questioning, fining, ticketing, responding to warrants, or arresting students on school grounds for non-school related incidents;
 - v. Where a law enforcement official is going to detain or arrest a young person, making all reasonable attempts to do so outside the view of other youth and school staff;
 - vi. Eliminating the ability of law enforcement (including probation or parole officers) to listen to the questioning or interrogation of students by others (such as school officials), or accessing documents pertaining to the student;
 - vii. Ensuring that students are made aware of their rights and have an opportunity for consultation with counsel (See Appendix II of the DSC Model Code) and/or another trusted adult selected by the student prior to any interrogation by the police; and
 - viii. Ensuring that students who are also parents or guardians must have an immediate opportunity to ensure their children are in the custody of a trusted caregiver and have the opportunity to arrange for their children's care for the duration of the time in custody.
- e. Ending qualified immunity for law enforcement officers ensuring that personnel who assault or harass students face accountability directly.
- f. Protecting students', parents' and school staff's right to film police activities.
- g. Ensuring that if the police remove a student from school, that there is a follow up process for when that student returns to school that addresses the root cause of the situation and a plan put into place that will support the success of that student.
- h. Requiring that all law enforcement personnel who come in to contact with schools receive training to ensure they are responding appropriately to youth, including at least 105 hours of training before being assigned to respond to schools and at least 10 hours of annual professional development. Decisions on the training requirements and specific training curriculum of SROs, police and other law enforcement personnel that come into contact with schools shall be developed in consultation with students, parents or guardians, teachers, school administrators and other stakeholders, and no new funds should be added to the police budget in order to conduct these trainings. Trainings shall cover the following topics:
 - i. Trauma-informed practice;
 - ii. Child and adolescent development and psychology;
 - iii. Youth development skills and competencies;
 - iv. Conflict resolution and peer mediation;
 - v. De-escalation techniques;
 - vi. Violence prevention and intervention;
 - vii. Intergroup and interethnic conflict, intervention and truce-building strategies;
 - viii. Bias-based and sexual harassment and violence;
 - ix. Working with youth with disabilities or physical, emotional, or mental conditions;
 - x. Working with LGBTQ+ and gender non-conforming youth;
 - xi. Cultural competencies (including understanding and addressing racism, sexism, homophobia, transphobia, ableism, adultism/ageism, and other implicit and explicit biases);
 - xii. The impacts of arrest, court, detention, incarceration and/or deportation on youth life chances;
 - xiii. Effective strategies for building safe schools without relying on suppression;
 - xiv. Restorative and transformative justice practices;
 - xv. School-Wide Positive Behavioral Interventions and Supports; and
 - xvi. Other positive approaches to school climate and discipline being used in the district.

¹⁶⁶ Youth Justice Coalition, Welcome Home L.A. From The Cell Block to The Corner Block, <http://www.youth4justice.org/wp-content/uploads/2012/12/2012WelcomeHomeLA.pdf>. Use of the word neighborhoods refers to gangs, but is less criminalizing in that not all alleged gangs and the vast majority of people affiliated with them are not involved in crimes.

- i. Ensuring community monitoring, oversight and access to data on law enforcement contact with schools, including:
 - i. Equipping parent and youth councils to monitor law enforcement that come into schools, including through having timely access to data on arrests and referrals to law enforcement disaggregated by student subgroup, and potentially acting as a liaison between the police, school staff and any students they are interacting with.
 - ii. Publishing all the above restrictions on law enforcement in the school or district code of conduct so that parents and students are made aware of what police can and cannot do in their schools.
 - iii. Collecting and reporting data on all police interactions with students, including calls to police for services, referrals to law enforcement, school-based arrests, tickets and summonses, disaggregated by student sub-group. The data should be made publicly available and accessible, including through posting data on school districts' websites and translating data reports into all the languages represented in the school community.
- D. Districts and schools shall make every effort to avoid involvement of SROs, police or other law enforcement personnel in responding to drug or alcohol use and shall refer students to harm reduction programs, counseling and/or treatment by trained professionals.** In cases where students are suspected of distributing or selling drugs, every effort shall be made to respond through positive disciplinary measures¹⁶⁷ and to partner with the justice system to avoid arrests, and if arrests occur, to refer students to alternatives to court, detention, incarceration, probation violation and/or deportation (see Section 3.7.f Model Policy on Drugs and Alcohol).
- E. States, districts and schools must adopt clear limits on tickets, summonses and referrals to the criminal justice system. Ticketing, issuance of summonses, and referrals of students to the criminal justice system shall be prohibited for all school disciplinary matters and status offenses (see Section 3.4 Truancy Prevention and Dismantling Status Offense Laws).**
- F. States, districts and schools must adopt clear limits on searches of students.**
1. SROs, police and all other law enforcement must have probable cause to suspect that the student has committed or is attempting to commit a criminal offense in order to search the student, including the student's outer clothing, possessions, or locker.
 2. SROs, police and all other law enforcement shall obtain the permission of the school principal prior to conducting a search of the student.
 3. The individual conducting the search shall be the gender the student has requested, and a school official and community intervention worker (if applicable) shall be present at the time of the search.
 4. School officials shall not ask law enforcement to be present or participate in a search of a student about a suspected discipline issue, absent a real and immediate threat to the physical safety of a member of the school community.
 5. SROs, police and all other law enforcement shall comply with the probable cause requirement even where school officials ordered or requested the search.
 6. Probation officers shall not use schools as a place to conduct searches, questioning or pat downs of students unless there is a safety emergency to prevent harm or injury.
 7. All searches and pat downs that do take place at school should happen (unless emergency situations make it impossible) outside the view of other youth and school staff in order to maintain privacy and decrease public embarrassment, humiliation and any future stigmatization and discrimination against the student(s) involved.
- G. States, districts and schools must adopt clear limits on "Gang" profiling**
1. Schools and districts shall provide youth suspected of membership or association with crews, gangs or neighborhoods with increased supports, mentoring and resources—including access to intervention workers or peacebuilders—recognizing that youth who are involved in or drawn to gangs and the underground economy are most in need of the positive environment and opportunities that schools provide.
 2. Students shall not be suspended, expelled or referred to law enforcement for suspected gang-affiliation that is based on:

¹⁶⁷ See generally Cristiana Pereira Baptiste, *Therapeutic Justice and Peace Circles: A Restorative Opportunity for Youth Drug Users in Conflict with the Law*, available at <http://www.iirp.edu/pdf/Nova-Scotia-2011-Presentations/Nova-Scotia-2011-Pereira-Baptista.pdf>

- a. Minor behaviors, such as dress code violations, for which suspensions, expulsions or referrals to law enforcement are otherwise prohibited (see Section 3.2 Guidelines for Suspensions, Expulsions and Removals, and Section 3.7.d Model Policy on Dress Codes);
 - b. Racial/ethnic profiling (meaning a student of another race or ethnicity who exhibited the same behavior would not receive the same consequences); or
 - c. Misinterpretation of behavior based on incorrect information.
3. Schools must clearly communicate what kinds of behavior are prohibited related to gang affiliation and ensure that these rules are being implemented fairly and that school staff are not being influenced by racial or ethnic bias as they determine who is in violation of the rules.
 - a. Vague language prohibiting “gang-related behavior” or “gang affiliation” or “prohibited group affiliation” is not sufficient.
 - b. Typical behavior that can be incorrectly identified as being gang-related could be using certain hand signs or handshakes, wearing particular clothes or accessories, posts on social media, drawing graffiti, tagging or doodling, or profiling based on home address/neighborhood.
 - c. Where there is a compelling safety reason for codes of conduct or dress codes to prohibit particular behavior, items of clothing, accessories, colors or logos (see Section 3.7.d Model Policy on Dress Codes), schools and districts shall take the following steps to avoid incorrectly identifying students as “gang affiliated” based on their clothing:
 - i. Clearly communicate those rules before the start of the school year, or give warning to students and their families before a new policy is being implemented. This allows the students and their families to adequately plan, including for the potential financial burden of purchasing new clothes to replace the prohibited items.
 - ii. Students who are unable to afford the new clothing requirements shall either be provided suitable clothing options from the school, or be connected with resources in the community that can provide options. These resources should be identified before the policy is implemented.
 4. SROs, security officers, administrators, teachers or other school staff shall not add students to gang databases, provide information to law enforcement who have authority to add students to a gang database or injunction, and/or search or work with law enforcement to search municipal databases to find information on students.
 - a. All school staff must be made aware of the grave consequences for youth who are placed on these databases¹⁶⁸ and the lack of due process protections in place.¹⁶⁹
 - b. For particular students, especially immigrant and undocumented students, students with previous involvement in the criminal justice system, and those who are on parole or probation, being added to a gang database could have life-altering consequences including deportation and long-term incarceration.
 5. Parent and youth councils, or other community oversight teams that include parents, students, advocates and social service providers, shall regularly review all instances in which students are accused of “gang-related” behavior or labeled as being “gang-affiliated” by police, SROs, security officers, teachers or school staff, to ensure that no racial profiling, or other targeting of certain students or groups of students is taking place. These oversight teams will also be made aware of the consequences listed above for students if they are labeled as gang-affiliated in any way, through injunctions, databases, suspension or expulsion, or other records.¹⁷⁰

H. Complaint Process and Community Oversight

1. Any SROs, police, security officers or other law enforcement personnel that come into contact with schools must be subject to clear and transparent civilian complaint processes that include real methods of accountability and correction. Noting the complex nature of personnel complaints and individual employee privacy rights, local unions should work collaboratively to address these issues and meet the community’s right to information.¹⁷¹
 - a. In jurisdictions with independent civilian police review boards, such boards shall also accept complaints against SROs.

¹⁶⁸ Youth Justice Coalition, Negative Impact of Gang Injunctions on Youth and Communities. Available at:

<http://www.youth4justice.org/wp-content/uploads/2013/07/Negative-Impacts-of-Gang-Injunction.pdf>.

¹⁶⁹ CalGang Criminal Intelligence System (2015) available at: <https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf>.

¹⁷⁰ Allegations of gang affiliation can have harsh immigration consequences for children, making immigrants ineligible for certain types of immigration relief and increase the likelihood that an immigrant will be detained while their immigration case is pending. *Deportation by Any Means Necessary: How Immigration Officials are Labeling Immigrant Youth as Gang Members*, Immigrant Legal Resource Center, https://www.ilrc.org/sites/default/files/resources/deport_by_any_means_nec-20180521.pdf.

¹⁷¹ See generally Elora Mukherjee, N.Y. Civil Liberties Union & Am. Civil Liberties Union, *Criminalizing The Classroom: The Over-Policing Of New York City Schools* (2007), available at http://www.nyclu.org/files/publications/nyclu_pub_criminalizing_the_classroom.pdf; Udi Ofer Et Al., N.Y. Civil Liberties Union, Annenberg Inst. For Sch. Reform At Brown Univ. & Make The Road N.Y., *Safety With Dignity: Alternatives To The Over-Policing Of Schools* (2009), available at http://www.nyclu.org/files/publications/nyclu_pub_safety_with_dignity.pdf.

- b. Students, parents or guardians, teachers, administrators and principals must have easy access to a simple and straightforward complaint process which is clearly outlined, and must be notified of any investigation and outcome in a timely matter.
 - i. Every student, parent and guardian in the school system shall be adequately informed of the complaint procedure.
 - ii. The information on the complaint process as well as complaint forms shall be distributed to every student household in print form at the start of each semester and at parent/teacher nights, posted in the school's front office, in parent resources rooms, in the school library or other common spaces and on the school's website.
 - iii. Any student, parent or guardian, teacher, administrator, or principal shall have the opportunity to submit a complaint in writing, verbally or on-line; the system shall incorporate a mechanism for receiving online complaints.
 - iv. Every version of the procedure—printed, posted and online—shall be available in all languages represented in the student and parent body, and parents or guardians and students may submit the complaint in their preferred language.
 - v. All school staff shall be trained in the complaint process and shall have access to complaint forms in order to answer student and parent or guardian inquiries as needed.
 - vi. The complaint system must be confidential and protect students, parents or guardians, school staff and community members against retaliation.
 - c. The complaint system shall provide for a fair, thorough and transparent investigation into the allegations in the complaint. The investigation must involve supervisors from the police department as well as school administrators and/or Department of Education staff.
 - d. The complainant shall be entitled to a written response to the complaint within 30 days in their preferred language. Translators shall be made available to help with this reporting as needed.
 - e. The system shall report to the complainant, school administration and the district on both the findings and any discipline or re-training of officers that occurs as a result.
 - f. The SROs', police officers' or other law enforcement personnel's due process rights shall be honored throughout the process, including providing the officer with a copy of the complaint, and providing an opportunity for the officer to defend themselves.
 - g. Complainants and officers shall have the right to representation before the system in a process that is fair, safe and whenever possible promotes restorative and transformative justice principles and practices.
 - h. Where serious allegations of wrongdoing are raised, SROs, police or other law enforcement personnel shall be removed from having contact with students until the investigation is completed. Such matters would include allegations of physical assault, verbal threats of violence, sexual advances or assaults and/or discriminatory language or practice based on race, national origin, ethnicity, language, sex, gender identity, sexual orientation, religion, disability, economic or other status.
 - i. Where allegations of abuse or misconduct are substantiated, SROs, police or other law enforcement officers shall be prohibited from contact with schools, and their personnel file must indicate the incident in order to inform other potential sites where youth are present. These officers may be reassigned or receive additional training, where appropriate.
2. A community board that includes parents or guardians, youth advocates, students and social service providers shall regularly review all school-based incidents leading to law enforcement intervention to ensure that no abuse, racial profiling, or other targeting of certain students or groups of students is taking place.
- I. Schools shall create welcoming and positive environments and avoid physical features and practices that create a criminalizing environment. Schools shall:**
- 1. Avoid utilizing metal detectors—either standing or wands. Districts and schools shall not introduce new metal detectors and shall take steps to eliminate the use of metal detectors¹⁷² and employ more effective, less costly and less intrusive means of promoting school safety.¹⁷³
 - 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.

¹⁷² ACLU of Southern California, Here to Learn (2018). Available at: https://www.aclusocal.org/sites/default/files/aclu_social_report_here_to_learn.pdf

¹⁷³ Girls for Gender Equity, Schools Girls Deserve (2017). Available at: http://www.ggenyc.org/wp-content/uploads/2017/11/GGE_school_girls_deserveDRAFT6FINALWFB.pdf

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.
- J. 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.
 4. Data sharing agreements between schools and law enforcement agencies that would share data gathered by any of the above means.¹⁷⁴

Note: These policy recommendations call for an end to the regular presence of law enforcement in schools and no use of metal detectors. In cases where schools still have regularly stationed law enforcement or metal detectors, we recommend the following steps for reducing their presence as much as possible towards the ultimate goal of removing all law enforcement from schools.

- K. Steps for districts and schools to reduce their reliance on SROs, police and security officers if they have not yet removed them from a regular presence in schools through implementing the following**
1. Replacing SROs, police, security officers and other law enforcement personnel stationed in schools with community intervention workers, school aides, counselors, social workers and other support staff to facilitate implementation of positive school-wide safety and discipline policies.
 2. SROs, police or security officers shall not be responsible for school discipline issues. They shall be responsible only for responding to serious criminal law matters where it is mandated by law that such offenses be referred to the criminal justice system.
 3. SROs shall not be employed, trained or supervised by city, town or state police departments. Instead, all SROs shall be employed and supervised by the district, Department of Education and/or school board.
 4. The services of SROs, police or security officers must not be used when other interventions and programs, such as School-wide Positive Behavior Interventions and Supports (PBIS), trauma-sensitive training and Restorative Justice Practices are available that aim to address root causes of student behaviors and provide needed services.
 5. Schools where more than 3% of students have been arrested or received summonses by SROs shall trigger an immediate audit by the state Department of Education (or other body governing the school) and the Attorney General's office to investigate the number of charges, the kinds of behavior being charged, the types of students who are being charged, whether charges are being overused in certain schools and by certain school officials, and the use of alternative sanctions that shall not result in criminal records.
 6. 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.¹⁷⁵
 - 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;
 - 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 lost student class time associated with metal detector scans;
 - viii. An analysis of whether certain student populations have been disproportionately impacted by the metal detectors;

¹⁷⁴ Twin Cities Pioneer Press "St. Paul, Ramsey County to end youth data-sharing agreement after withering criticism" (January 28, 2018). Available at: <https://www.twincities.com/2019/01/28/st-paul-ramsey-county-to-end-youth-data-sharing-agreement-after-withering-criticism/>.

¹⁷⁵ 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>.

- ix. An analysis of student attendance, retention and drop-out rates; and
 - x. A qualitative analysis of the social and emotional impact on students of the metal detectors.
- d. 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.
- i. 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.
 - ii. 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.
- e. No school or district shall continue the use of metal detectors without first, considering evidence-based preventive and positive alternatives, Restorative Justice 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.