



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

**HB 522**

**Senate Education, Health, and Environmental Affairs Committee**

**March 30, 2021**

**POSITION: UNFAVORABLE**

The **Maryland Coalition for Justice & Police Accountability (MCJPA)** is a large, diverse, statewide coalition of 90+ organizations united behind [5 police reform demands](#), including ending regular police presence in Maryland schools. MCJPA appreciates that the intent of HB 522 may be to address the serious harms resulting from regular presence of police in schools that students, parents, educators, and communities of color have raised and illustrated with their experiences and extensive data and academic research at multiple bill hearings this session. However, the bill falls far short of achieving meaningful solutions and shifting districts away from reliance on school-based police and towards implementation of effective safety measures, like student mental health services, wraparound supports, and restorative approaches. **We oppose HB 522 and urge the committee to take action in a future legislative session to get police out of schools and adopt a new, transformative vision for school safety in Maryland.**

**HB 522 Contains Several Problematic Provisions**

The current version of HB 522 contains several problematic provisions. We highlight just four below, by way of illustration.

First, the bill states that a school police officer (referred to as a school resource officer or SRO) may not unilaterally or at the direction of school staff enforce the student code of conduct except in instances of “serious bodily injury” or an “imminent threat” of the same (page 6, lines 15-25). This language fails to account for the fact that most violations of student codes of conduct – could also be characterized as violations of criminal law – e.g. a run-of-the-mill fight (assault under Md. Crim. 3-201), a student running off with another’s backpack or other low-value property (theft under Md. Crim. 7-104), horseplay (disorderly conduct under Md. Crim. 10-201 or willful disturbance of school activities under Md. Educ. 26-101(a)), and so on. Thus, even if HB 522 were enacted, school police officers could continue to interrogate and arrest students for minor, developmentally-anticipated behaviors that produce no actual or threatened “serious bodily injury” and defend their actions on the grounds that they were enforcing criminal law, not the code of conduct. Because HB 522 does not limit SROs’ criminal law enforcement obligations or abilities to cases of “serious bodily injury”, the bill is unlikely to narrow the circumstances under which they may take action against students.

Second, although the bill prohibits police officers from serving as SROs if an administrative tribunal has made a final finding that they engaged in excessive force, that prohibition does not extend to officers facing allegations that are still pending (page 5, lines 13-15; page 6, lines 6-8). This leaves open the possibility that an officer who has used excessive force against another person could serve as an SRO at least until a final finding is made. Not only is this prospect alarming, it is inconsistent with other provisions of the bill which require the immediate suspension of an SRO who faces allegations of

excessive force while serving on site at a school (page 6, lines 29-32). There is no rational reason some SROs facing unresolved allegations of excessive force should be permitted to work in schools while others are not.

Third, the bill requires the Maryland Center for School Safety (MCSS) to develop trainings for school administrators on restorative approaches and trauma-informed approaches (page 7, line 25 – page 8, line 10), but these trainings are likely to be ineffectual. As an initial matter, MCSS may lack sufficient expertise in the areas of trauma and non-punitive conflict resolution to be able to provide high-quality professional development in this area. The leadership and staff expertise highlighted on the Center’s website is primarily in the area of disaster response and school policing; similarly, its advisory board contains only one representative from the Center for School Mental Health and no other members with an apparent mental health background.<sup>1</sup> Without substantially expanding and diversifying their staff and advisors, MCSS likely is not well-positioned to conduct the trainings assigned to it by this bill. Moreover, the school administrator trainings set forth in the bill are optional, not mandatory. This means that, even if the trainings proved valuable, they likely would not reach those administrators who would benefit from the most – i.e. those who are currently habituated to use exclusionary and police-based responses to student misbehavior and do not already understand the value of a trauma-informed, restorative approach.

Fourth, HB 522 continues to invest state dollars in the expansion of school policing – allowing districts to keep spending the money they currently receive under the \$10 million/year state SRO fund to assign armed, uniformed officers to patrol their schools. Although the bill tweaks current law by giving districts the choice to use these state funds for other purposes, an optional fund provides no incentive for districts who are the worst offenders in terms of school policing practices to make change. Under the terms of HB 522, such districts can and will continue to over-police students – pushing them out of school and on a pipeline to prison – on the state’s dime.

In short, HB 522 contains significant internal inconsistencies and holes that would require extensive amendment to repair. We do applaud one provision of HB 522 – the prohibition on school security officers arresting students (page 8, lines 11-13). In Prince George’s County Public Schools, school security officers have long exercised arrest authority against students, oftentimes for low-level offenses where other responses would have been more appropriate and less damaging. However, it is our understanding that the Prince George’s County Board of Education recently enacted a change in policy to take arresting power away from security officers, rendering this provision of the bill likely unnecessary. We support this element of the bill, but this support does not outweigh our concerns about other provisions and the bill’s overall impact.

**State Law Should Encourage Districts to Shift Away from Reliance Police Presence in Schools; Instead, HB 522 Cements the Role of School Policing in Maryland Schools**

Ultimately, to keep all students safe, districts should shift away relying on on-site police and should instead invest in student mental health services, wraparound supports, and restorative approaches – all of which have been shown to meaningfully improve student behavior and school safety. The reasons are clear and well-supported.

**First, School Police Do Not Keep Students and Educators Safe.** On-site police presence has not been shown to prevent school shootings or other violence. Indeed, The Federal Emergency Response Agency (FEMA) and Center for Homeland Defense and Security recently summarized “accumulating research

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<sup>11</sup> See Meet the MCSS Team, <https://schoolsafety.maryland.gov/Pages/MCSS-Team-Contact.aspx>; MCSS Advisory Board, <https://schoolsafety.maryland.gov/Pages/MCSS-Advisoryboard.aspx>

[which] has shown that the conspicuous security, including the presence of school resource officers, have little to no effect in preventing school shootings, or reducing casualties.”<sup>2</sup> For example:

- A 2020 investigation of the impact of expansions of school policing in Florida, following the Parkland school shooting (where an SRO was unable to stop the shooter), shows that found “little consistent evidence that the presence of law enforcement decreased the number of behavioral incidents occurring, indicating that school-based law enforcement were not necessarily making schools safer”<sup>3</sup>
- A study of approximately 3,000 schools nationwide found “no evidence suggesting that SRO or other sworn law-enforcement contribute to school safety”<sup>4</sup>
- Another observed that “no empirical evidence supports th[e] claim” that school police stop shootings and in many of the highest profile school shootings nationwide the presence of armed school police failed to deter or stop shooters<sup>5</sup>
- A review of over 40 years of research found that the “evidence . . . fails to support a safety effect” associated with officer presence at schools<sup>6</sup>
- A February 2021 study found that armed officer presence is associated with a threefold *increase* in the number of deaths resulting from a school shooting<sup>7</sup>

Within Maryland, over 75% of public schools do not have SROs on site and instead utilize “adequate law enforcement coverage” plans – where they work with county police on emergency planning and response and may employ unarmed, non-arresting security guards.<sup>8</sup> There is no indication that these schools are less safe than the 25% that do have SROs.

**Second, Police Presence in Schools Increases Student Arrests for Minor Offenses.** In national studies, students in schools with a police officer are five times more likely to be arrested for disorderly conduct and twice as likely to be referred to law enforcement for run-of-the-mill fistfights than students in schools without one.<sup>9</sup> In Maryland, approximately 70% of school arrests are for fights without weapons and offenses like disruption/disrespect, alcohol/tobacco, property destruction or theft (including of

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<sup>2</sup> Caitlin Moe & Ali Rowhani-Rabar, What We Know About School Mass Shootings Since Columbine and How to Prevent Them (2019), <https://www.chds.us/ssdb/what-we-know-about-school-mass-shootings-since-columbine-and-how-to-prevent-them/>

<sup>3</sup> Chris Curran, The Expanding Presence of Police in Florida Schools: Research Report at 2(2020), [https://www.aclufl.org/sites/default/files/curran\\_-\\_the\\_expanding\\_presence\\_of\\_law\\_enforcement\\_in\\_florida\\_schools.pdf](https://www.aclufl.org/sites/default/files/curran_-_the_expanding_presence_of_law_enforcement_in_florida_schools.pdf)

<sup>4</sup> Chongmin Na & Denise Gottfredson, Police Officers in School: Effects on School Crime & the Processing of Offending Behaviors, Justice Quarterly (2011), <https://www.tandfonline.com/doi/abs/10.1080/07418825.2011.615754>.

<sup>5</sup> Denise Gottfredson et al, Effects of School Resource Officers on School Crime and Responses to School Crime, J. Criminology & Pub. Pol. (2020); *see also* Alex Yablon, Do Armed Guards Prevent School Shootings?, The Trace (April 6, 2019), <https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/>

<sup>6</sup> Alexis Stern & Anthony Petrosino, What Do We Know About the Effect of School-Based Law Enforcement on School Safety? (2018), <https://www.wested.org/wp-content/uploads/2018/04/JPRC-Police-Schools-Brief.pdf>

<sup>7</sup> Jillian Peterson et al, Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019, JAMA Network (2021) [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?utm\\_source=For\\_The\\_Media&utm\\_medium=referral&utm\\_campaign=ftm\\_links&utm\\_term=021621](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=021621)

<sup>8</sup> Maryland Center for School Safety Adequate Law Enforcement Coverage Report, 2019–20 school year, at 4. Available at <https://schoolsafety.maryland.gov/Documents/Reports-Docs/SRO%20Adequate%20Coverage%20Report-2019.pdf>

<sup>9</sup> Dignity in Schools Campaign, A Resource Guide on Counselors Not Cops (2016), [http://www.dignityinschools.org/wp-content/uploads/2017/10/Resource\\_Guide-on-CNC-1.pdf](http://www.dignityinschools.org/wp-content/uploads/2017/10/Resource_Guide-on-CNC-1.pdf)

property with little or no monetary value), trespassing, and similar conduct. The remainder are in large part for drug-related offenses, including minor possession.<sup>10</sup>

**Third, School Policing Disproportionately Harms Black Students, and Students with Disabilities.** In Maryland, Black students receive 56% of school-based arrests statewide despite representing only about a third of the student population, even though data demonstrates that Black students misbehave at the same rate as their peers. Meanwhile, students with Individual Education Programs (IEPs) receive 23% of school-based arrests despite comprising 12% of the student population.<sup>11</sup> Oftentimes, students with disabilities face arrest for engaging in behavior that arises from their disability, as in the recent case of a [12 year old student who was handcuffed for 23 minutes by a Baltimore County school police officer for exhibiting non-violent autism-related behavior](#).

Beyond arrests, officer presence in schools has been shown to have harmful impacts on students of color. Many such children have a well-grounded fear of law-enforcement – based on the experiences they have had in their neighborhoods, and brutality they have witnessed on TV or the internet, including the killing of Black people by officers and the separation of immigrant families by ICE agents. Putting SROs in schools does not help these children to develop fond feelings for police; instead, seeing officers in the hallway often distracts and traumatizes, undermining children’s ability to learn.<sup>12</sup> Indeed, officer presence in schools has been linked to increased suspensions and decreased test scores and graduation rates among Black children.<sup>13</sup>

**Fourth, Non-Policing Strategies Can Effectively Keep Students Safe.** Strategies to support positive behavior and strengthen relationships among students, staff, and parents effectively keep schools safe. For example:

- Restorative Approaches proactively build positive relationships among students and staff to prevent conflict, and repair harm and impose accountability when conflict does occur. When implemented comprehensively, RA improves student behavior and reduces reliance on exclusionary discipline.<sup>14</sup>
- Trauma-Informed Practices recognize that students with histories of trauma can lash out at others when triggered. Recognizing this reality, trauma-informed schools focus on students’ physical, social, and emotional safety; embrace a shared understanding among staff about the impact of trauma; engage in positive and culturally-responsive discipline; ensure students’ access to comprehensive

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<sup>10</sup> Maryland State Dep’t of Education, Maryland Public Schools School-Based Arrest Data 2018-19

<sup>11</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan at 21- 22 (2018), [www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf](http://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf); National Education Policy Center, The Starts & Stumbles of Restorative Justice in Education: Where Do We Go From Here? (2020), [https://nepc.colorado.edu/sites/default/files/publications/Revised%20PB%20Gregory\\_0.pdf](https://nepc.colorado.edu/sites/default/files/publications/Revised%20PB%20Gregory_0.pdf); OSI Baltimore, Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide. <https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>.

<sup>12</sup> Matthew Theriot & John Orme, School Resource Officers & Students’ Feelings of Safety in School, Youth Violence & Juvenile Justice, Vol. 14-2, 130-146 (April 2016);; Chris Curran et al, The Good Guy Image Police Present to Students Often Clashes with Students’ Reality, The Conversation (June 5, 2020), <https://theconversation.com/the-good-guy-image-police-present-to-students-often-clashes-with-students-reality-139821>

<sup>13</sup> National Public Radio, Do Police Officers in Schools Really Make Them Safer? (March 8, 2018), <https://www.npr.org/2018/03/08/591753884/do-police-officers-in-schools-really-make-them-safer>

<sup>14</sup> Maryland Commission on the School-to-Prison Pipeline and Restorative Practices, Final Report and Collaborative Action Plan at 21- 22 (2018), [https://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf](http://www.law.umaryland.edu/media/SOL/pdfs/Programs/ADR/STPP%20%20RP%20Commission%20Final%20Report.pdf)

school mental health and behavioral services; and engage in effective community collaboration. Schools report becoming “safer” and “calmer” after implementing trauma-sensitive practices.<sup>15</sup>

- Community Schools provide wraparound services to students and families to address their needs in a holistic way, resulting in significant improvements in student behavior and social functioning<sup>16</sup>
- Special Education planning and implementation supports positive behavior among students with disabilities.<sup>17</sup>

That is why school districts that have already removed school police have seen positive results:

- In 2017, Toronto Public Schools – which serves over 250,000 students – removed all on-site police, and invested instead in restorative approaches and unarmed non-arresting “safety monitors”. Since then, the district has seen declines in police involvement in student behavior incidents, decreases in suspensions, and NO increase in school-based violence.<sup>18</sup>
- In 2016 Intermediate School District 287 outside the Twin Cities which serves high numbers of students with social-emotional disabilities – replaced all SROs with “student safety coaches” and invested in a trauma-informed, relationship-based and mental health-driven model to supporting student behavior. Student arrests dropped from 65 per year to 5, and the school community is not calling for a reversion to the police model or raising alarms about safety.<sup>19</sup>

HB 522, while well-intentioned, does little or nothing to encourage districts to move away from school policing and implement more effective and supportive approaches to student behavior and school safety. Rather, through its lengthy provisions on the selection, supervision, and training of SROs, and reporting on SRO activity, it expands the bureaucratic structure for keeping police in schools. We are eager to work with the Committee to develop and support more meaningful legislation in coming years.

Please contact Monisha Cherayil ([cherayilm@publicjustice.org](mailto:cherayilm@publicjustice.org)) with any questions about this testimony.

#### **MCJPA Members:**

Advocates for Children and Youth	Arts Education in Maryland Schools Alliance
ACLU of Maryland	Baltimore Action Legal Team
ACLU of Maryland, Montgomery County Chapter	Baltimore Bern Unit
Amnesty International	Baltimore City Civilian Review Board

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<sup>15</sup> Wehmah Jones et al, Trauma & Learning Policy Initiative (TLPI): Trauma-Sensitive Schools Descriptive Study, American Institutes for Research (2018), <https://traumasensitiveschools.org/wp-content/uploads/2019/02/TLPI-Final-Report-Full-Report-002-2-1.pdf>; National Association of School Psychologists, Trauma-sensitive schools; Brief tips and policy recommendations, <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/trauma-sensitive-schools>

<sup>16</sup> Anna Maier et al, Community Schools as an Effective School Improvement Strategy: A Review of the Evidence (2017), <https://learningpolicyinstitute.org/product/community-schools-effective-school-improvement-report>

<sup>17</sup> Sugai et al, Applying Positive Behavior Support and Functional Behavioral Assessments in Schools, Journal of Positive Behavior Interventions, Vol. 2, Issue 3 (2000); Perry A. Zirkel, Case Law for Functional Behavior Assessments and Behavior Intervention Plans: An Empirical Analysis, 35 Seattle Univ. L. Rev. 175 (2011)

<sup>18</sup> Kalyn Blesha, Canada’s Largest School District Ended Its Police Program. Now Toronto May Be an Example for U.S. Districts Considering the Same. Chalkbeat (June 19, 2020), <https://www.chalkbeat.org/2020/6/19/21297248/toronto-canada-ended-school-police-program-example-for-united-states-school-districts>

<sup>19</sup> Erin Hinrichs, No Police in Schools? This Minnesota District Committed to An Alternative 4 Years Ago, Minn. Post (June 25, 2020), <https://www.minnpost.com/education/2020/06/no-police-in-schools-this-minnesota-district-committed-to-an-alternative-four-years-ago/>

Baltimore for Border Justice  
 Be More Unified  
 Council on American-Islamic Relations (CAIR) – Maryland  
 CASA  
 Caucus of African-Americans Leaders  
 CHOICE Program at University of Maryland – Baltimore County  
 Citizens Policing Project  
 Coalition for Justice for Anton Black  
 Coalition of Concerned Mothers  
 Coalition of People Opposed Violence and Extremism  
 Common Cause Maryland  
 Community Actively Seeking Transparency (C.A.S.T.)  
 Community Justice  
 Democratic Socialists of America – Baltimore City  
 Democratic Socialists of America – Greater Baltimore  
 Democratic Socialists of America – Prince George’s County  
 Disability Rights Maryland  
 Do the Most Good  
 Drug Policy Alliance  
 Equality Matters  
 For Kathy’s Sake  
 FreeState Justice  
 Greenbelt People Power  
 Hispanic National Law Enforcement Association  
 Homeless Persons Representation Project  
 Innocence Project  
 InterFaith Action for Human Rights  
 Jews United For Justice  
 Job Opportunities Task Force  
 Justice Policy Institute  
 The JustUs Initiative  
 Kevin L. Cooper Foundation  
 Central Atlantic Conference – United Church of Christ  
 Leaders of a Beautiful Struggle  
 League of Women Voters Maryland  
 LGBTQ Dignity Project  
 Life After Release  
 Making Changes LLC  
 Mama Sisterhood of Prince George’s County  
 March for Our Lives Maryland  
 Maryland Alliance for Justice Reform  
 Maryland Center on Economic Policy  
 Maryland Consumer Rights Coalition  
 Maryland Defenders Union  
 Maryland Justice Project  
 Maryland Poor People’s Campaign  
 Maryland Prisoners’ Rights Coalition  
 Maryland Restorative Justice Initiative  
 Maryland Youth Justice Coalition  
 Montgomery County Civil Rights Coalition  
 Montgomery County Democratic Socialists of America  
 Mothers on the Move  
 Mount Rainier Organizing for Racial Equality  
 NARAL Pro-Choice Maryland  
 NAACP – Washington County  
 National Coalition for Drug Legalization  
 Nigerian American Lawyers Association - Washington DC  
 Office of the Public Defender  
 Organizing Black  
 Our Maryland  
 Our Prince George’s  
 Our Revolution Maryland  
 Out For Justice  
 PG Changemakers  
 Planned Parenthood of Maryland  
 Power Inside  
 Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation  
 Prince George’s People’s Coalition  
 Prisons to Professionals  
 Progressive Maryland  
 Public Justice Center  
 Racial Justice NOW!  
 Rebuild, Overcome, and Rise (ROAR) Center at University of Maryland - Baltimore  
 Reproductive Justice Inside  
 Sanctuary DMV  
 SEIU 1199  
 Showing up for Racial Justice, Annapolis and Anne Arundel County  
 Showing Up for Racial Justice, Baltimore  
 Showing Up for Racial Justice, Montgomery County

Sierra Club Maryland Chapter  
Silver Spring Justice Coalition  
Takoma Park Mobilization  
West Wednesdays

Wicomico County NAACP Branch 7028  
Women's Law Center  
Young People for Progress