

Ways and Means Committee

Bill #: HB0522

**Bill Title: Public Schools - School Resource Officers - Prohibited Conduct
February 3, 2021**

****SUPPORT with Amendments****

Dear Ways and Means Committee Members,

I am writing on behalf of Showing Up for Racial Justice Annapolis & Anne Arundel County in SUPPORT of *Bill #: HB0522, Bill Title: Public Schools - School Resource Officers - Prohibited Conduct* that would prohibit a school administrator or official or school safety coordinator from directing a school resource officer (SRO) to enforce certain discipline-related policies, rules, regulations, or procedures, prohibit a SRO from unilaterally enforce certain discipline-related policies, rules, regulations, or procedures, and requiring a specialized curriculum for use in SRO training to include training in conduct that is prohibited.

School safety is an extremely complex issue and consideration of students' safety must extend beyond threats of armed violence in schools. Data shows SROs do not protect our children from school shootings.¹ *The Washington Post* found just two cases between 1999 and 2018 "in which a resource officer gunned down an active shooter. (To put that in perspective, at least seven shootings in the same period were halted by malfunctioning weapons or by the gunman's inability to handle them.)"² However, SROs do have a direct impact on students' mental and emotional health, along with negatively impacting academic outcomes. SROs use their discretion to criminalize ordinary youthful behavior or behavior that is disability-related, which should be handled by school administrators. When controlling for poverty, studies show disorderly conduct arrests were double at schools with SROs compared to non-SRO schools.³ Students of color and/or with disabilities are disproportionately referred to law enforcement for school-based incidents.⁴

Numerous studies show that a significant portion of law enforcement activity actually deals with garden-variety student misconduct, including many behaviors that do not threaten school safety. Students are cited and even arrested for behaviors that were historically handled by educators as discipline issues: playground fights, drawing on desks, temper tantrums, throwing a paper airplane, kicking a trash can, wearing sagging pants, and throwing a carrot at a teacher to name a few. Even if a child never goes to court, a single arrest can impact a student's achievement and lead to a 25% increase in the likelihood of dropping out of school.⁵

Pre-COVID, approximately 72% of children in the United States experienced at least one major stressful life event such as witnessing violence or experiencing abuse by the age of 18, and these numbers are disproportionately higher for students of color.⁶ When danger is experienced, students' "fight/flight/freeze" response is overactivated and they may interpret seemingly minor situations as threatening and therefore respond with agitation and anxiety. The presence of SROs in response to a student's behavioral challenges, for

¹ According to FBI statistics, the majority of mass shootings end when the shooter decides to end them, not by intervention by law enforcement. <https://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013>.

² <https://www.washingtonpost.com/graphics/2018/local/school-shootings-and-campus-safety-industry/>

³ Matthew T. Theriot, "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice*, January 2009.

⁴ African-American and Latino boys with disabilities represent only three percent of students nationally, but account for 12 percent of school arrests. African-American boys are often labeled as "emotionally disturbed" or "bad" when non-compliant behavior occurs - whether or not they have an emotional or behavioral disability - and those behaviors disproportionately lead to a law enforcement response rather than a supportive response through appropriate accommodations.

⁵ Webbink D, Koning P, Vujić S, Martin NG. Why Are Criminals Less Educated than Non-Criminals? Evidence from a Cohort of Young Australian Twins. CPB Netherlands Bureau for Economic Policy Analysis, The Hague, the Netherlands.; 2008.

⁶ <https://www.aclu.org/report/cops-and-no-counselors>

many, only further re-traumatizes them and overactivates their fear and anxiety response. SROs often misconstrued these responses as “non-compliance” and escalate the situation, causing further trauma.

Yet this is not just about \all the national statistics or studies. Maryland State Department of Education data show an 87% increase in arrests in Anne Arundel County Public Schools (AACPS) from 2016-17 to 2018-19. In the same period, African American students were consistently arrested at 2-3 times the rate of white students statewide. **More students were arrested in AACPS in 2018-2019 than in any other county school system in Maryland.**⁷ (304 of those 356 arrests in 2018-2019 were directly by SROs.) According to *The Capital Gazette*, police representatives and AACPS Deputy Superintendent Jackson have **admitted this stark increase in arrests is due to an increase in SRO presence.**^{8,9} Therefore, in a school system like AACPS where punitive discipline is extremely disproportionately directed at African American students,¹⁰ the presence of SROs leads directly to the very criminalization of Blackness that harms our students.

The COVID-19 pandemic has provided a glimpse into a world where SROs do not exist. As school buildings shut down across the country (with the result being no school-based arrests), between February 1, 2020 and April 1, 2020, youth admissions to juvenile detention facilities decreased by 52%,¹¹ along with the percentage of youth of color in detention also decreasing by 30 percent,

In closing, we wanted to share one more set of statistics: African Americans are more likely to be shot by law enforcement in split-second decisions, and trained police miss their targets more than 4 out of 5 times in gun fire. Additionally, 77% of SROs indicated they had arrested a student in the past to calm that student down. No child should enter their school afraid of being harassed by the authorities in the building, yet alone scared that they might be shot by an SRO.

In the 1983 decision *Hornbeck v. Somerset County Board of Education*, the Maryland Court of Appeals wrote that the state is obligated “to minimize the impact of undeniable and inevitable demographic and environmental disadvantages on any given child.”¹² Maryland has an opportunity to make education safer for our kids by limiting SROs interaction with our students. Maryland must not only prohibit SROs from enforcing *some* school discipline policies and juvenile behavior, but prohibit SROs from enforcing *all* discipline policies and laws unless called upon to address an immediate, imminent threat of violence that endangers the school. **Children should be focused on learning, while we focus on their safety and well-being. This is the time to take action: stop calling in SROs to punish our children of color and/or with disabilities, isolate them from their peers, separate them from school, and enter them into the criminal justice system.**

For the reasons stated above, we strongly urge this committee to vote FAVORABLY WITH AMENDMENT on Bill #: HB0522, Bill Title: Public Schools - School Resource Officers - Prohibited Conduct, prohibiting SROs from enforcing all laws and discipline policies unless there is immediate, imminent, threat of violence that endangers the school.

Respectfully Submitted,

India Ochs

Showing Up for Racial Justice Annapolis and Anne Arundel County (SURJ3A)

⁷ <http://marylandpublicschools.org/stateboard/Documents/2020/0623/ArrestsSchoolPremises06232020.pdf>

⁸ <https://www.capitalgazette.com/education/ac-cn-juvenile-citations-20191106-2sg42tyxnbeflk5zdpthafcpu-story.html>

⁹ Even when acknowledging the negative impact of SROs, AACPS plans to place SROs in all middle schools.

¹⁰ <https://www.aacps.org/cms/lib/MD02215556/Centricity/Domain/1741/jointinitiative.pdf>

¹¹ The Annie E. Casey Foundation, “Survey: 52% Drop in Admissions to Youth Detention in Two Months Matches Reduction Over 13 Years,” aecf.org, Accessed July 7, 2020.

¹² <https://edlawcenter.org/states/maryland.html>