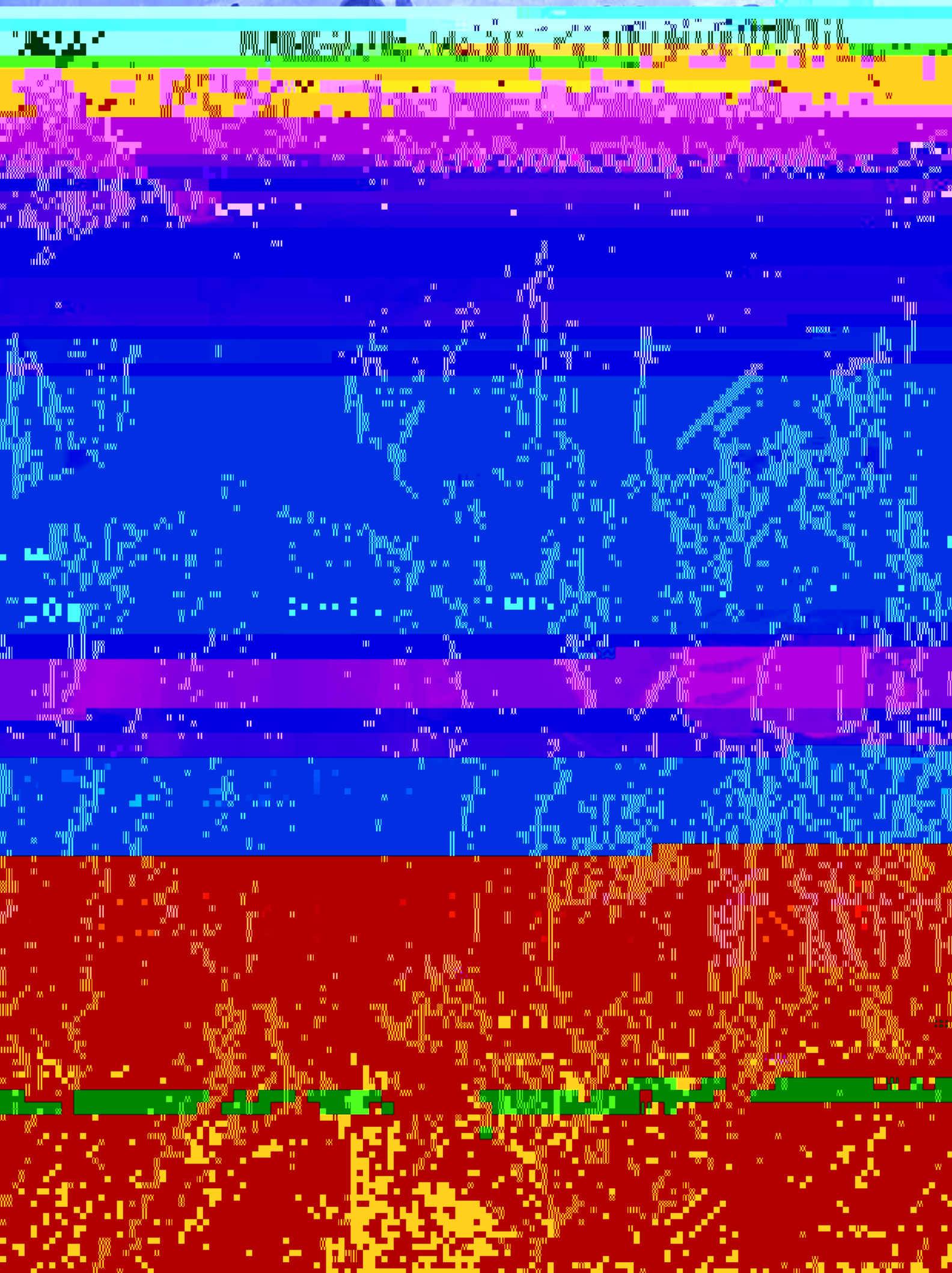


Criminalizing



CRIMINALIZING THE CLASSROOM THE OVER-POLICING OF NEW YORK CITY SCHOOLS

Published March 2007

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COVER ART: I first got the idea for this painting from when I attended night school. There we had metal detectors and everybody had to go through them. There was always a line to get into school. Getting scanned in was a very arduous process because there were only two detectors. Some teachers understood if you were late because you were in line. I didn't see a use for these in Townsend Harris High School. The teachers wouldn't care why you were late and were very

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EXECUTIVE SUMMARY

This report documents the excesses of the New York City school policing program and offers realistic recommendations for reform.

To produce this report, the New York Civil Liberties Union (NYCLU) and the Racial Justice Program of the American Civil Liberties Union (ACLU) conducted 1,000 student surveys and analyzed publicly available data. The organizations also interviewed students, parents, teachers, school administrators, school safety agents, and officials from the Department of Education, the United Federation of Teachers, and the New York City Police Department (NYPD).

The conclusions of this research are clear. Students and teachers are entitled to a safe learning environment that is conducive to education. The environment created by the massive deployment of inadequately trained police personnel in schools, in contrast, is often hostile and dysfunctional.

Since the NYPD took control of school safety in 1998, the number of police personnel in schools and the extent of their activity have skyrocketed. At the start of the 2005-2006 school year, the city employed a total of 4,625 School Safety Agents (SSAs) and at least 200 armed police officers assigned exclusively to schools. These numbers would make the NYPD's School Safety Division alone the tenth largest police force in the country – larger than the police forces of Washington, D.C., Detroit, Boston, or Las Vegas.

Because these school-assigned police personnel are not directly subject to the supervisory authority of school administrators, and because they often have not been adequately trained to work in

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I. INTRODUCTION

On the morning of November 17, 2006, the New York City Police Department (NYPD) swarmed Wadleigh Secondary School.¹ The officers' descent on Wadleigh, a Manhattan public high school attended by over 880 students, was not a spontaneous response to an emergency situation. Instead, it was a routine, if

City schools feel more like juvenile detention facilities than learning environments. Every day, over 93,000 city children² cannot get to classes without passing through a gauntlet of metal detectors, bag-searches, and pat-downs administered by police personnel who are inadequately trained, insufficiently supervised, and often belligerent, aggressive and disrespectful. Moreover, any middle school or high school without permanent metal detectors might — on any day — be unexpectedly forced to subject its students to mandatory scans and searches that would consume as much as thr

II. THE ORIGINS OF NEW YORK CITY'S CURRENT POLICING POLICY

As Mayor of the City of New York, Rudolph Giuliani made "law and order" his rallying cry. Giuliani strengthened the city's police force and authorized its officers to use heavy-handed tactics to enforce order in the streets. While these tactics made Giuliani popular in some law enforcement communities, they alienated many New Yorkers and generated widespread mistrust of police, especially in communities of color. Consequently, when Giuliani turned his focus to school safety, many New Yorkers – especially those in minority communities – had serious concerns.

In June 1995, Giuliani appointed an investigatory commission to study school safety. In 1996, the commission concluded that the New York City Board of Education's Division of School Safety was poorly managed and failed to maintain security in the schools effectively.³ The remedy, the commission suggested, was for the NYPD to step in and play a greater role in ensuring school safety.⁴ The mayor took the commission's recommendations as a mandate. In response, he proposed transferring control of school safety from the New York City Board of Education (BOE) completely to the NYPD.

From the beginning, the proposal was controversial. It faced objections from community leaders and education policymakers, including Schools Chancellor Ramon C. Cortines, and his successor, Rudy Crew. Members of the BOE questioned whether the NYPD's presence in schools could be compatible with a nurturing learning environment and expressed concern that a police presence would be likely to disrupt educational outcomes.⁵

Concerned families, educators and community leaders participated in vociferous debates over Mayor Giuliani's proposal. At a hearing before the BOE on September 16, 1998, more than two dozen speakers urged board members not to transfer control over school safety to the NYPD. Police presence, they said, would transform schools into prison-like settings, exacerbate tensions between youth and police, and interfere with the education of 1.1 million schoolchildren. Black leaders, in particular, objected that the plan would further strain the relations between children of color and the police.⁶

Despite these objections the BOE voted unanimously on September 16, 1998, to transfer control of school safety to the NYPD. The change was put into effect through a Memorandum of Understanding that was set to expire four years after the agreement was reached. Responsibility for training, recruiting, and managing 3,200 school safety personnel – who had until now been employed by the BOE – was transferred to the NYPD.⁷ Details about implementing the plan were left vague, as were details about cost, which one BOE member estimates to have been on the order of \$100 million.⁸

It soon became clear that the public did not have access to complete information prior to the adoption of the plan. On September 17, the day after the BOE transferred control of the School Safety Division to the NYPD, the BOE released "surprising figures" that showed a decrease in serious school crimes. The timing of the release of the statistics raised suspicions that key information was withheld from the public until the NYPD transfer was completed. Such suspicions were reinforced by the fact that, in previous years, the statistics on school safety incidents had been released during the month of August, not September.⁹

Under new management by the NYPD, the responsibilities of the School Safety Agents (SSAs) expanded. SSAs became responsible for monitoring school entrances, exits and hallways; operating ID scanners, cameras, and metal detectors; checking student and staff identification; and coordinating with precinct officers when appropriate. They retained the power of arrest.

Under the original four-year Memorandum of Understanding, a Joint Committee on School Safety – representing the Mayor's and the Chancellor's Offices – was required to complete annual evaluations of NYPD-managed school security "with the goal of improving and enhancing the program."¹⁰ After three years of these evaluations, the city or the BOE would have the authority to "terminate the joint school security program . . . effective on the fourth anniversary date of the transfer date."¹¹

In November 2001, three years after the original Memorandum of Understanding went into effect, the Joint Committee on School Safety asked principals whether they thought safety had improved in their schools since the NYPD takeover of the School Safety Division. The vast majority of principals polled – 67 percent – reported there that "there has been no change in their school's climate of safety" since the NYPD gained control of school safety.¹² Despite the sense of a lack of improvement in school safety, the fourth anniversary date of the transfer – September 16, 2002 – came and went. The Memorandum of Understanding was not renewed, leaving no written policy governing the relationship between educators and the NYPD.

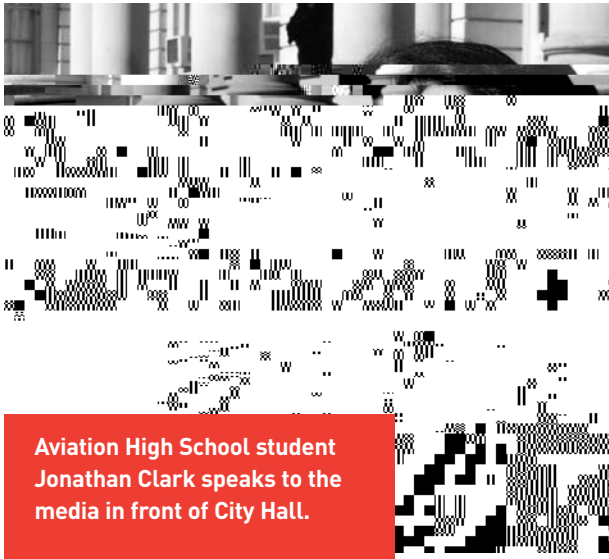
Under Mayor Michael R. Bloomberg, who succeeded Mayor Giuliani in 2001, the lack of an official policy meant that the NYPD remained in charge, excluding educators from decisions about

IV. HOW POLICE PRESENCE AFFECTS LEARNING ENVIRONMENTS

The circumstances at Wadleigh Secondary School on

round of searches. Students who refused to pass through the metal detectors were pushed through.

For no apparent reason, some students who passed through the metal detectors without beeping were subjected to frisks and intrusive searches. One ninth grader passed without setting off the metal detector, but an officer nonetheless forced him up against a nearby wall. The officer ordered the young boy to spread his legs and then ran a handheld metal detector up and down his inner thighs – even as the student protested, “I don’t think you’re supposed to be doing this.” That boy was just one of many students who were pushed against the wall to be frisked, searched, and have handheld metal detectors run up and down their bodies that day.



Aviation High School student Jonathan Clark speaks to the media in front of City Hall.

In a clear violation of the Chancellor’s Regulations, female students were searched by male officers.³⁹ After being pushed against the wall for frisking, many girls were ordered to squat for intrusive searches with handheld metal detectors. After forcing one child to squat, a male officer repeatedly traced his handheld metal detector up her inner thigh until it beeped on the button of her jeans. “Is there something in your pants?” he asked repeatedly. The frightened girl repeated that there was not, but the officer kept at it, making her fear a cavity search, until he finally let her go.

Officers threatened to arrest students who were found with cell phones or food. They cut off students who tried to enter school through alternate entrances while yelling, “Round them up!” and chased down and arrested multiple students who, frightened by the police presence, tried to leave school for the day.

On both of the days when the roving metal detectors were installed at the Community School for Social Justice and the Health Opportunities High School, many students were late to classes, and attendance rates dropped significantly. Students and teachers alike reported that the disruptions caused by the metal detectors and the police presence meant that no one could concentrate on learning.

When one parent learned of the harassment students had faced at school, she made multiple phone calls to the NYPD in an attempt to stop the officers from pushing students against the wall and forcing them to squat for intrusive searches on successive school days. When she reached the second-in-command of the roving metal detector team, she was told that not a single student was forced into such positions. She expressed disbelief based on her children’s experiences, and offered to bring a video camera to the scene. “You’re not allowed to do

■ **Jonathan C., an eleventh-grader at Aviation High School in Long Island City, reported on the metal detector searches at his school in this letter to the Department of Education, sent October 24, 2006.**

I am writing this letter in regards to the random metal detector search which was active in Aviation High School this morning.

As I approached the school, the police presence was overwhelming. As I walked on, I was informed that the metal detectors had arrived. ...

I was treated as though I were a criminal. The officers were rude and when I simply asked what the procedure should be, I was yelled at for holding up the line. The officer said to hurry up, throw my back-

pack on the scanner, and follow the line of students through the metal detector. The officer searching my school bag was both unprofessional and disrespectful. I was interrogated regarding the educational supplies that were in my book bag. I was not the only student to be treated so harshly. I personally was violated and witnessed other students’ required tools being confiscated. The United States Air Force Junior ROTC members sustained the worst treatment of all the students.

At this time, my basic right to communicate has unjustly been taken from me as I am denied the right to carry a cell phone. The DOE does not provide safe transportation to and from school. I have to commute great distances via the MTA buses and subways. In denying me the right to a cell phone you are denying me the ability to remain in contact with family members. Should something happen

to myself, a family member or the like, without a cell phone, how am I expected to get help or receive information?

Furthermore, Aviation High School is a trade school certified by the Federal Aviation Administration, and as such, we are required to possess tools of the trade. How dare the NYPD and the DOE be allowed to confiscate these tools which are essential to our education as certified aircraft mechanics? ...

I cannot believe that the DOE and the NYPD is able to violate our rights as both citizens and students without any repercussions.

I love Aviation High School, it has become my home away from home. ... But today, the enthusiasm that I woke up with was stifled as I entered school ...

They treat us like criminals rather than children. JULIA, NORMAN THOMAS HIGH SCHOOL, MANHATTAN

The police like to put their hands on kids without reason. ALEXIS BATISTA, MARTIN LUTHER KING HIGH SCHOOL OF THE ARTS AND TECHNOLOGY, MANHATTAN

that," the officer responded. "It's the law." The officer denied the parent's requests to speak with his supervisor. Reflecting on the incident later, the parent said: "I don't want my children to come to school feeling like they're being criminalized. The students are not criminals, and I don't want them treated like criminals. A fear of retaliation really silences parents."

Leah Wiseman Fink, an English teacher, observed the scene at the metal detectors and snapped photographs for her personal use. But officers approached her and said she was banned from taking pictures. DOE official Harmon Unger told Fink: "You can't take pictures of police action." Unger later demanded that Fink turn over her film. Intimidated by the NYPD officers present, she complied. Although Unger promised to send her copies of any photographs unrelated to the NYPD, she has yet to receive any prints. Thinking back on the scene, Ms. Fink commented on how "freaked out" and "secretive" the police were. "If I were treating kids like criminals," she said, "then I would do it in secret as well."

Students choose to attend the Community School for Social Justice and the Health Opportunities High School because of their reputation for safety and cooperative learning, but the intrusive scan seriously damaged the atmosphere of community that students, parents, and educators had worked so hard to build. "After the metal detectors came in, I felt like this was a different school,"
twelfth-gr

Due to a steady barrage of yelling and cursing by the officers, noise levels in and around the cafeteria were deafening. Tension filled the room, as students were clearly upset. As one student sought to avoid the metal detectors by walking toward the exit, three officers grabbed him and physically pushed him through, ignoring his attempts to wriggle away and his protests, "Get off me! I swear!"

Students and faculty alike expressed concern about the metal detector pr

her to follow Lewis's instructions. Sergeant Lipscomb, an armed police officer, stepped in, grabbed Aisha's book bag, and ordered her to the focus room.

Although Aisha responded, "That's where I'm going," Lipscomb pushed her. Aisha protested loudly and informed Lipscomb that she was going to take down his name and badge number. In response, Lipscomb jerked Aisha's left arm behind her back at a painful angle, a jolt which also caused her right hand to slam against the wall. Aisha cried out in pain.

Students inside the focus room began to protest, saying that the two girls were just going to lunch. Aisha continued to cry. Mr. Fannon, a teacher monitoring the focus room, tried to calm her down. Aisha was forced to go to the dean's office. There, a female officer removed Aisha's jacket and searched her. Officer Rivera also searched Aisha's backpack.

Thereafter, Aisha was taken to the police precinct where she received a summons to appear in family court. The summons did not indicate any charges against her. Aisha and her mother returned home that evening to a phone call from Assistant Principal Lewis apologizing for the incident.

Jimmy

Jimmy is a senior at the New York Harbor School in Bushwick, Brooklyn. He is frequently on the honor roll, and has had no encounters with police officers outside of school. In the fall of 2005, Jimmy walked through a metal detector at the school entrance, set it off, then went to the back of the line to be scanned again. Jimmy went through the metal detector a second time, holding his pants up, since he had no belt on. An SSA ordered Jimmy to remove a wallet from his back pocket. Jimmy complied by turning over the wallet, but the SSA began yelling and accused Jimmy of throwing the wallet at him. Jimmy continued walking, aiming to reach his first-period class, when two other SSAs grabbed him, handcuffed him, dragged him to a small room used for disciplining students, and issued him a criminal summons.

Jimmy's faculty advisor, Noah Heller, arrived at the detention room along with an assistant principal and the principal and asked the SSAs if all of the actions taken against Jimmy were really necessary. In response, an SSA told Heller and his co-workers that they should shut up or be cuffed next. Weeks later, Jimmy's case was summarily dismissed in court.

On March 9, 2006, Jimmy was playing basketball in the school gym. He took a break from the game to put sports equipment away, but the game ended before he returned to the court. Still dressed in a short-sleeved basketball shirt, Jimmy needed to change into his street clothes, which he had left in the gym. As

he tried to enter the gym, he was stopped and denied entry by an SSA. Jimmy walked around her, retrieved his clothes from the bleachers, and came out to find the SSA waiting. He asked her if she was going to arrest him. She said yes. Other SSAs arrived, and Jimmy was handcuffed and issued a summons. When he appeared in court on May 16, 2006, the charges were again summarily dismissed.

"MM"

MM is a senior at the Bushwick School of Social Justice, a school with permanent metal detectors. She has no criminal record and no school disciplinary record. One morning, during the winter of 2006, MM's cell phone was confiscated by an SSA when it was detected by a scanner. MM asked that her phone be returned. In response, the SSA claimed that MM was threatening her. She and another SSA threw MM to the floor, handcuffed her tightly, and dragged her upstairs to a holding room.

received an anonymous letter signed by “The Brotherhood.” The letter threatened them with physical harm for “messing up with our fellow officers” continuing: “[i]f I were you I’d be planning my getting out of New York fast.” The teachers turned the letter over to a police officer. The Civilian Complaint Review Board and the Internal Affairs Bureau of the NYPD did not reach any conclusions or resolution.

Survey and Interview Results

These episodes – and many other similar ones – prompted the NYCLU to look closely at police conduct and policies in the New York City Schools and their impact on the educational environments within the schools. As part of that inquiry, the NYCLU conducted a survey of over 1,000 high school students at schools with permanent metal detectors; interviewed students, teachers, school administrators, families, former BOE members, former DOE officials, United Federation of Teachers officials, and NYPD officers; and observed the City’s roving metal detector program and its massive law enforcement squad in action.

Survey participants and interviewees expressed serious concern that the following particular problems with over-policing, discussed more fully below, undermine the educational missions of schools:

- A. Derogatory, discriminatory, and abusive comments and conduct;
- B. Intrusive searches and confiscation of personal items;
- C. Intrusions on instructional time;
- D. Arrests for minor non-criminal violations of school rules; and
- E. Retaliatory arrests of educators questioning the NYPD’s treatment of students.

A. Derogatory, Discriminatory, and Abusive Comments and Conduct

Students report that police personnel in their schools are deliberately disrespectful and verbally abusive. Fifty-three percent of students surveyed reported that officers have spoken with them in a way that made them feel uncomfortable. Countless students reported that SSAs and police officers curse at them, scream at them, treat them like criminals, and are “on power trips.” At Martin Luther King Jr. High School, one student reported, SSAs refer to students as “baby Rikers,” implying that they are convicts-in-waiting. At Louis D. Brandeis High School, SSAs degrade students with comments like, “That girl has no ass.” Students and educators alike reported that officers in schools are too hostile and aggressive, yelling at students and treating them with disrespect, even when the students have done nothing wrong.

Students also reported discriminatory conduct by police personnel who stigmatize and harass gay, lesbian, bisexual, and transgender students. At one high school, the only openly gay student

reported that SSAs “are discriminatory toward homosexuals.” He explained: “When it’s time for me to get scanned, the male security guards flip a coin to see who has to scan me. They don’t do this to anyone else because I see when they scan other males.”

Educators worry that students suffer physical abuse at the hands of police personnel in schools. A school aide at Paul Robeson High School witnessed a Sergeant yell at, push, and then physically assault a child who would not turn over his cell phone. The Sergeant hit the child in the jaw, wrestled him to the ground, handcuffed him, removed him from school premises, and confined him at the local precinct. The school aide who witnessed this abuse wanted to take action, but, like many faculty and staff, did not know how to report the incident.

On November 3, 2006, seven students from LaGuardia High School protested across the street from the school on behalf of a classmate who had been arrested for allegedly pulling a fire alarm lever. A SSA on school grounds saw the protestors across the street and began to yell at them, and then crossed the street, grabbed one 16-year-old student by his collar, called him “a little shit,” and dragged him across the street and into the school building.

B. Intrusive Searches and Confiscation of Personal Items

Many students enter school with – or avoid school because of – fear that officers will subject them to intrusive searches and confiscate their personal items. Each morning at schools with permanent metal detectors, SSAs order students to remove their belts and other articles of clothing. Regularly, students must walk into school holding up their pants, and officers order students to lift their shirts. Fifty-eight percent of students surveyed reported that they have taken off and/or lifted up clothing to enter school. Ninety-six percent of students surveyed reported that they have had to remove their belt or shoes to pass through the metal detectors. At Evander Childs High School, students reported that they frequently were required to remove even their socks before passing through the metal detectors.

After students pass through the metal detectors, officers frequently subject them to pat downs and frisks, and search their pockets and backpacks. Fifty-three percent of students surveyed reported that officers had frisked them and searched their pockets at the metal detectors. Seventy-six percent of students surveyed reported that officers had searched their backpacks.

Students report that “the police like to put their hands on kids without reason,” and that officers in schools are “perverts.” Twenty-seven percent of students surveyed reported that officers touched or treated them in a way that made them feel uncomfortable.

they are not concealing metal objects. Multiple girls reported that officers ordered them to unbuckle and/or unzip their pants for the purpose of verifying that the students were not concealing cell phones. At Evander Childs High School, students reported being patted down by officers of a different sex. One high school student testified at a public meeting in February 2005 that girls at her school were routinely searched by male officers, in violation of Sections A-432 I(A)(5) and A-432 II(B)(4) of the Chancellor's Regulations.

Students and teachers alike complain that male SSAs subject girls to inappropriate behavior, including flirting and sexual attention. Teachers, principals, and a former DOE official reported that SSAs are often not much older than the students they supervise and not firmly instructed about the impropriety of flirting with students. "SSAs have never been seriously told to knock off the attention that they give to the girls," one former DOE official said. "If their supervisors just told them, 'Don't do it again,' the SSAs would probably stop. But there is no reliable mechanism for reporting or disciplining SSAs involved in that kind of behavior."⁴²

Even parents seeking entry to schools are not exempt from inappropriate treatment by police personnel at metal detectors. A parent leader at Bronx Guild High School reported that, after her coat buttons set off a metal detector, she was not offered an opportunity to take off her coat and put it through the scanner. Instead, she was forced to lean over a table, feet apart and stand still while a hand-held detector was run between her legs.

Police personnel conduct intrusive searches of students in a purported effort to seize weapons, but instead they confiscate students' school supplies, personal items, and cell phones. Principals, teacher and students complain that SSAs often make up their own rules and prohibit students from bringing in food. The food is sometimes thrown out or even eaten by SSAs.

With the implementation of the roving metal detector program in April 2006, s

V. THE CITY'S CLAIM OF CRIME PREVENTION

The Bloomberg administration claims that increased policing in schools is responsible for a significant decline in school crime. But the National Center for Schools and Communities at Fordham University shows that such claims are inflated:

Although the DOE reports declines as large as 59 percent for major crime incidents and 33 percent for all crime at the Impact Schools, the numbers on which these percentages are based are so low that even very small numerical decreases create large percentage changes. For example, at Christopher Columbus High School behavior officially classed as violent crime decreased from 17 incidents during the 2004-2005 school year to 10 during the 2005-2006 school year, which represented a 41 percent decline on paper, but only a small decrease in actual incidents.⁵

Librarians and books are in short supply at schools with permanent metal detectors. Available data shows that only 53 percent of schools with permanent metal detectors have librarians, while 73 percent of high schools citywide have librarians.⁷³ Marlessa Lee, then a seventeen-year-old junior at DeWitt Clinton High School, worried that the city prioritizes policing over academics. Lee told the *New York Times*: "They have money for metal detectors, but not for books."⁷⁴ At DeWitt, the largest high school with permanent metal detectors in the city, there are 4,511 students and not one school librarian.⁷⁵

S

D. Gross Under Funding of Education

Children attending high schools with permanent metal detectors receive grossly under-funded educations. In 2003, the New York Court of Appeals ruled that New York City public schools lack the necessary funding to provide a meaningful high school education to students.⁶⁹ In 2006, the State of New York was ordered to pay New York City billions of dollars to make up for shortfalls in educational funding.⁷⁰

Even in comparison with children attending the average under-funded New York City high school, children at high schools with permanent metal detectors receive substantially less funding for direct services, which "include all services provided by the school to support teaching and learning, including classroom instruction, parent involvement, school safety, and building maintenance."⁷¹

In the 2003-2004 school year, the city spent an average of \$9,601.87 on the education of a child at a high school with permanent metal detectors, compared with a citywide average of \$11,282.⁷² This means that students at high schools with permanent metal detectors benefited from only 85 percent of the direct services funding that the average student citywide received. For students at the largest high schools with permanent metal detectors, the funding shortfall was even starker. A child at a high school with more than 3,000 students and daily metal detector scans received \$8,066 of funding, equivalent to 71 percent of the citywide average.

F. Drop-Out Factories

Most high schools with permanent metal detectors have high drop-out rates. Robert Balfanz of Johns Hopkins University defines a “drop-out factory” as a school where fewer than 60 percent of ninth graders are still enrolled in twelfth grade, regardless of whether or not they receive diplomas. According to Daniel Losen, a senior policy analyst at The Civil Rights Project at Harvard University, “[i]f all of the ninth graders [at such schools] were still in twelfth grade,

E. Disproportionately High Suspension Rates

High schools with permanent metal detectors suspend children at far higher rates than similarly situated schools, even after controlling for variables such as the proportion of English language learners, students over-age for grade, attendance rates, and standardized test scores.⁸³ Overall, high schools with permanent metal detectors issued 48 percent more suspensions than similar schools.⁸⁴

■ **STUDENTS TAKING CHARGE:**

Four Students Working to Change the Policing Regime in their Schools

Denise Melendez

Grade 10

Franklin K. Lane High School, Brooklyn

Denise Melendez, 16, is an activist and a student at Franklin K. Lane School in Brooklyn. “What got me involved in this work was the harassment by security guards,” Melendez says. “It happened to me once. I was walking down the hallway and they asked for a pass. I pulled the pass out slowly so they thought I had drugs or something on me. So they took to the Deans Office and patted me down. I felt really violated. [Another time] my friend was singing a song by Tupac. In the lyrics they say ‘I wish I had a gun.’ They strip searched him down to his boxers for singing this. And he got suspended for three days for that. I got really mad about that as well.” In search of change, Melendez joined a community organization called Future of Tomorrow (FOT). “When I heard FOT was doing campaigns to stop bad things in schools and fight for changes, I wanted to get involved,” Melendez says. We met with the principal about the harassment. It’s helping to make the school better. We also had a town hall meeting with elected officials. They took us really seriously and that helped us to get more attention on this issue.”

Adilka Pimentel

Grade 12

Bushwick School for Social Justice, Brooklyn

Seventeen-year-old Adilka Pimentel is an active member of the community organization Make the Road by Walking and a leader in the movement to pass a Bill of Rights for New York City students. Pimentel decided to get involved in that movement, she says, after witnessing several incidents of harassment by school safety agents, including one incident in which a student was placed in handcuffs for wearing a hat in school. “We thought of the things that were being deprived to us students and thought of ways to fix them,” Pimentel says. “I decided to do this because I am a senior and even though I graduate this year I wish that I would have had the things that the Bill proposes back when I was in younger grades. I would like my younger siblings to be able to enjoy an engaging curriculum and to be able to attend a school without a hostile environment. This is important to the youth because we experience it first hand ... My plans are to propose the bill to the mayor and the chancellor and gain student and staff and even principal support and keep fighting until they pass the bill of rights.”

Elizabeth Vincent

Grade 11

John F. Kennedy High School, Bronx

Elizabeth Vincent, 17, wakes up early every morning in order to arrive 45 minutes early at John F. Kennedy High School in the Bronx so that she can be scanned without being late to class. “When I get on line, the line is very long,” Vincent says. “It’s annoying the way they scan us. ... They treat us like just because we’re young, we’re nothing. It’s uncomfortable when they wand you all over your body. They think you have something on your body that might be a danger to your school, but even if you don’t, they treat you like that and it’s very uncomfortable. Sometimes I come early, but I have to wait on line so long that I am late for class. ... They have to come up with another way to make the school feel safe but not feel like a prison. Adult mediators could help us figure out how to deal with conflicts, together as youth and adults, and then youth would not be treated as prisoners.”

Maksuda Khandaker

Hillcrest High School

As a student at Hillcrest High School, Maksuda Khandaker often found himself without a desk. But there was always enough money for policing. This distortion of priorities, Khandaker says, drove him to get involved, through the community organization DRUM (Desis Rising Up and Moving), in a student movement to change the way school safety works. “By replacing the school officers in our schools with mediators, they can solve the root cause of violence in the schools,” Khandaker says. “Mediators can help students that cause this violence by talking with them one on one and finding solutions to their issues. However, with police officers present in our schools, we’re not making our schools safer; we’re just adding more violence to it. Because the police officers are not trained to work with students. Instead, they are trained to work with criminals. We are the future generation, we will be the ones supporting this nation, so why are we treated as criminals? Why are we locked up in our school? In South Asia, it is said that schools are a temple of knowledge. So what about America--should we have to say that schools are prisons for criminals?”

By the early 1990s, Julia Richman High

VII. RECOMMENDATIONS FOR NEW YORK CITY

A. Restore educators' authority over school discipline.

*ri l e p or i l e hool oli i ro r i li e
i h he io o her l r e hool i ri e l re ori
o rol over hool e l o e t or*

The New York City Board of Education erred when it transferred school safety responsibility to the NYPD in September 1998. NYPD control of school safety is undermining the education that city children receive each day. Educators, not police personnel, should make decisions about school discipline and should control school safety. Currently, educators are denied that authority. The result is the host of problems detailed in this report.

Interviews with teachers, principals, former BOE members, and a former DOE official revealed that many individuals familiar with policing practices in city schools believe that the solution is to restore

pals of the schools in which they work. In New York City, although school custodians are not officially employees of school principals, principals play a role in their evaluation and promotion, which creates incentives for collaboration.⁹⁷

In New York City, principals play no meaningful role in selecting and evaluating the police personnel who work in their schools. The current system is inconsistent with giving principals autonomy. Recently, Chancellor Klein told an audience of business leaders that principals should become the Chief Executive Officers of their schools:

No longer will principals be the agent for the bureaucracy in the building, where principals are told what they need whether they want it or not. I believe that we need to unleash the creative power of our great leaders and educators, letting them select the tools and support they want to meet the needs of the students they serve.⁹⁸

An important step toward achieving Chancellor Klein's vision of principal autonomy is giving each principal meaningful opportunities to select and supervise police personnel assigned to his or her building.

B. Train police personnel for the special environment in schools.

The anecdotal evidence described above portrays police personnel behaving with an aggressiveness and belligerency that is of questionable value on the streets and entirely inappropriate in school hallways. There is no reason children and educators should have to suffer the foul-mouthed invectives, abusive behavior and summary punishment that, all too often, replace the decorum and respect to which children and educators are entitled. Police personnel must be trained to function in accordance with sound educational practices and to respect the differences between the street and the school.

The efficacy of policing in schools depends on students' perceptions of whether officers are acting in legitimate and fair ways. Leading social science research shows that strong, positive relationships between school security officers and students make schools safer. For example, a 2005 national report, sponsored by the National Institute of Justice, concluded that a "positive opinion" of a school safety officer is the most important variable that affects a student's propensity to report crime.⁹⁹ Officers who are viewed in a positive light by the student body are more capable of obtaining information pertaining to crimes and delinquent acts.¹⁰⁰ The quality of interaction between the officers and the students – as measured by whether students knew officers' names and engage in conversations with them – is far more effective than merely placing officers in a school.¹⁰¹ The researchers concluded, "it is a reasonable expectation for the [school safety officers] to gain the trust and favorable views of the students they encounter every day."¹⁰²

These conclusions are not novel. In 1999, the Vera Institute for Justice reported in

Crime in Schools, prepared for the New York State Lieutenant Governor's Task Force on School Safety, that "[t]he effectiveness of security staff appears to depend . . . on how fully integrated into the school structure officers are and the extent to which they have trusting relationships with students and staff."¹⁰³

The Memorandum of Understanding, which transferred control over school safety to the NYPD, acknowledged the importance of respecting the school environment. It required training for law enforcement personnel working in schools on, among other issues, "the unique culture, diversity and structure of such environment."¹⁰⁴ And yet, no publicly available information suggests that SSAs and police officers receive any training on working with adolescent populations or minimizing disruptions to the educational environments.¹⁰⁵ Principals and teachers report that many police personnel show no signs of having received such training. They are particularly concerned about the lack of sensitivity that some officers display towards the needs of special education students.

The city must ensure that police personnel in schools gain trust and respect from the students they serve daily by providing officers with specialized and adequate training on how to collaborate with adolescents and educators. Such training should involve teachers and principals, focus on enhancing the school climate, and emphasize sensitivity in working with diverse populations and students with special needs. The training also should emphasize the importance of earning students' trust and respect.

In addition, the training should encourage police personnel to participate in the school community, rather than, in the words of one teacher, be "brainwashed that they're not part of the school."¹⁰⁶ Currently, SSA turnover rates are high, and SSAs who stay on the job are frequently transferred from one school to the next – an effort by the NYPD School Safety Division's to prevent SSAs from developing inappropriate relationships with students.¹⁰⁷ These dual factors contribute to a lack of understanding of school needs. The School Safety Division should allow its officers to put down roots at a school with proper training about how to establish friendly, but not sexual, relationships with children. By establishing long-term relationships with students and educators, security officers will best serve the school community.

C. Limit policing in schools to legitimate security concerns.

As demonstrated by this report, police personnel often treat children like criminals, even if they have done nothing wrong. Such over-policing in schools undermines the nurturing learning environment which educators strive to create and which children need to learn. Safety officers in schools must focus on legitimate security concerns. Accordingly, the city should adopt the following reforms:

Police officers should not be present in schools unless they are responding to a crime or a security concern. Police officers should not be used for non-law enforcement purposes, such as crowd control or general supervision of students. Police officers should not be used to enforce school discipline or to enforce school rules. Police officers should not be used to enforce school policies. Police officers should not be used to enforce school procedures. Police officers should not be used to enforce school regulations. Police officers should not be used to enforce school standards. Police officers should not be used to enforce school requirements. Police officers should not be used to enforce school expectations. Police officers should not be used to enforce school objectives. Police officers should not be used to enforce school goals. Police officers should not be used to enforce school outcomes. Police officers should not be used to enforce school results. Police officers should not be used to enforce school achievements. Police officers should not be used to enforce school successes. Police officers should not be used to enforce school accomplishments. Police officers should not be used to enforce school milestones. Police officers should not be used to enforce school landmarks. Police officers should not be used to enforce school monuments. Police officers should not be used to enforce school memorials. Police officers should not be used to enforce school tributes. Police officers should not be used to enforce school honors. Police officers should not be used to enforce school awards. Police officers should not be used to enforce school prizes. Police officers should not be used to enforce school gifts. Police officers should not be used to enforce school presents. Police officers should not be used to enforce school tokens. Police officers should not be used to enforce school mementos. Police officers should not be used to enforce school keepsakes. Police officers should not be used to enforce school souvenirs. Police officers should not be used to enforce school mementos. Police officers should not be used to enforce school keepsakes. Police officers should not be used to enforce school souvenirs.

When a student violates a school rule, by, for example, loitering in the hallway, that student, under the current regime, may be arrested for breaking the law. What once clearly resided in the domain of educators – a violation of the school code – is now susceptible to police involvement. But police personnel should not arrest, detain, or otherwise discipline students for minor violations of school rules. Specifically:

- Police personnel should not treat school supplies and sandwiches as contraband.

Police personnel often make up their own rules that allow them to confiscate students' school supplies, lunches, and personal items. Officers must be trained in the rules and required to apply them uniformly. They should not be given discretion to treat ordinary items as contraband.

- Police personnel should not enforce the cell phone ban.

Students and families citywide are frustrated by the cell phone ban, which is implemented by police personnel who search students and then seize their phones. The city should ensure that the cell phone ban is not enforced through the heavy hand of the NYPD. The ban puts every student at risk of being searched by the NYPD in order to attend school. The policy fails to accommodate the legitimate purposes for which families might want children to carry phones. In response to the uproar over the cell phone confiscation policy, the New York City Council Committees on Education and Public Safety held a hearing on June 14, 2006, but no policy changes have resulted to date.

- Police personnel should not search students without individualized suspicion of wrongdoing.

When the roving metal detector program descends on a middle school or high school, police personnel search all students before allowing them to attend class. This practice is unnecessary, results in lost class time, and causes arbitrary interfer-

borough office that covers the school at which the incident occurred. An Integrity Control Officer within one of these offices explained that he sends reports of "high-level" violations to Internal Affairs, which may call on him to investigate or may conduct an investigation itself.¹¹⁷ The School Safety Division and Internal Affairs were unresponsive to multiple inquiries for clarification of the mechanics of the complaint process.¹¹⁸ Internal Affairs also ignored a request for data on the number of complaints filed against School Safety Agents.¹¹⁹

The CCRB currently handles complaints against school-assigned police officers. The jurisdiction of the CCRB should be expanded to accept complaints about SSAs. The City Council should amend the City Charter to require that the CCRB adjudicate complaints against SSAs. If this change is implemented, students, families, and educators must be notified, and the CCRB must create avenues that facilitate the reporting of school-based incidents.

Based on CCRB complaints about SSAs and school-assigned police officers, the City should annually report information on the number and nature of complaints against school-based police personnel, and a breakdown of such complaints by year, school, type of allegation, and any other pertinent information that will allow the public to make an informed evaluation of the performance of school safety measures.

... the ...

The NYPD has refused to disclose the number of arr



VIII. CONCLUSION

This report demonstrates that New York City is over-policing its schools with significant and consequential damage to the learning environment. The recommendations offered herein are urgently needed to reform the city's school policing program.

In sum, the city should take immediate and concrete steps to restore educators' authority over school discipline, train police personnel to respect the school environment, and limit the authority of police personnel to legitimate security concerns. Accountability mechanisms over policing in schools also must be established, including the creation of a meaningful mechanism that allows students, their families, and teachers to complain about wrongdoing by school-based police personnel.

The full implementation of all the reforms is necessary to transform New York City schools from places where students feel like they are in detention to vibrant, positive learning communities where students feel nurtured and engaged.

APPENDIX A:

LIST OF SCHOOLS WITH DAILY METAL DETECTOR USE

Abraham Lincoln High School

Academy for College Preparation and Career Exploration: A
College Board School

Academy of Hospitality and Tourism

Academy of Urban Planning

Adlai Stevenson High School

Astor Collegiate High School

Automotive Career and Technical Education High School

Belmont Preparatory High School

Bronx Expeditionary Learning High School

Bronx Guild High School

Bronx High School for Law and Community Service

Bronx High School for Writing & Communication Arts

Bronx High School of Business

Bushwick School for Social Justice

Business, Computer Applications & Entrepreneurship Magnet
HS

C.I.S. 313 School of Leadership Development

Canarsie High School*

Celia Cruz Br

APPENDIX B:
POLICING PRACTICES IN LARGE URBAN

ENDNOTES

- ¹ The following account is based on interviews with students and staff members who witnessed the events taking place.
- ² ACLU/NYCLU analysis of October 2006 enrollment, based on New York City DOE Register, at the 88 schools with permanent metal detectors that the ACLU's investigation uncovered. A list of these schools is available in Appendix A.
- ³ Edward N. Costikyan et al., Report of the Mayor's Investigatory Commission on School Safety (1996).
- ⁴ Ibid.
- ⁵ Natasha Bannan, et al., "The Impact Schools Initiative: A Critical Assessment and Recommendation for Future Implementation," A Report for the Prison Moratorium Project by the PMP Capstone Team, Wagner School of Public Service, New York University, April 2006, p. 21-22, at <http://www.nyu.edu/wagner/capstone/projects/pmp.pdf>.
- ⁶ Lynnette Hollaway, "Board Votes to Give Police Control of School Security," *The New York Times*, Sept. 17, 1998, at B5.
- ⁷ Ibid.
- ⁸ ACLU/NYCLU telephone interview with Irving Hamer, January 11, 2007.
- ⁹ Susan Edelman, "Tempers Flare Over Timing of School-Crime Report Card," *The New York Times*, Sept. 18, 1998.
- ¹⁰ "Memorandum of Understanding Among The Board of Education of the City of New York, The Chancellor of the City School District of the City of New York and the City of New York on The Performance of School Security Functions by the New York City Police Department for the Benefit of the City School District of the City of New York at Its Students and Staff," 1998, para. 24.
- ¹¹ Memorandum of Understanding, para. 25.
- ¹² Adamma Ince, "Preppin' for Prison: Cops in Schools Teach a Generation To Live in Jail," *Village Voice*, June 13-19, 2001. <http://www.villagevoice.com/news/0124,ince,25511,5.html> (Retrieved January 23, 2007).
- ¹³ Bannan, "Impact Schools," p. 25.
- ¹⁴ Drum Major Institute for Public Policy, "A Look at the Impact Schools" (June 2005), p.2. <http://www.drummajorinstitute.org/pdfs/impact%20schools.pdf> (Retrieved January 23, 2007).
- ¹⁵ 24 school buildings have participated in the Impact program. One, Erasmus Campus, is composed of three smaller schools, bringing the total to 26.
- ¹⁶ New York City Department of Education. "School Safety Initiatives: Presentation to Panel for Educational Policy," Jan. 12, 2004, p. 5. http://schools.nyc.gov/NR/rdonlyres/53AD9BAE-8C1B-4ED0-8537-50DED0798F44/1053/SuspensionDeckForEdPanel_FINAL.ppt (Retrieved January 23, 2007).
- ¹⁷ National Center for Schools and Communities at Fordham University, "Policing as Education Policy: A Briefing on the Initial Impact of the Impact Schools Program" (August 2006), p.4.
- ¹⁸ New York City Department of Education, "Mayor Michael R. Bloomberg, Schools Chancellor Joel I. Klein and Police Commissioner Raymond W. Kelly Announce Implementation of School Safety Plan," Press Release, January 5, 2004; Drum Major Institute, "Impact Schools," p. 2; Diane Ravitch and Randi Weingarten, "Public Schools, Minus the Public," *The New York Times*, March 18, 2004, p. A33.
- ¹⁹ New York City Department of Education. "Mayor Bloomberg, Schools Chancellor Klein And Police Commissioner Kelly Announce A New School Safety Initiative Amid Significant Declines In Crime In City Impact Schools." Press Release. April 13, 2006. <http://schools.nyc.gov/Administration/mediarelations/PressReleases/2005-2006/04132006pressrelease.htm>. (retrieved January 23, 2007).
- ²⁰ See footnote 2.
- ²¹ NYC Department of Education, "New School Safety Initiative."
- ²² ACLU/NYCLU Analysis of Expense, Revenue and Contract Adopted Budgets, FY 2005-2007. New York City Office of Management and Budget. <http://www.nyc.gov/html/omb/html/budpubs.html> (Retrieved January 23, 2007).
- ²³ A Local Law to amend the New York city charter, in relation to requiring the police department and the department of education to provide the public with information regarding school violence, New York City Council, Int. No. 226-A, (2004).
- ²⁴ A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to provide information to the City Council regarding school safety agents, New York City Council, Int. No. 322-A (2005).
- ²⁵ Ellen Yan, "Students Rally for NYPD School Safety Review," *The New York Times*, August 1, 2005 at Local.
- ²⁶ Janon Fisher, "Students Protest Use of Metal Detectors in Their Bronx School," *The New York Times*, September 20, 2005, p. B4.
- ²⁷ I. Hassan, "Demanding an Academic Ethos: Students Critique Cop Presence," *The New York Times*, August 7, 2006.
- ²⁸ Urban Youth Collaborative, "Bill of Rights," at www.urbanyouthcollaborative.org/rights.html.
- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ Hollaway, "Board Votes to Give Police Control," B5.
- ³² NYC Department of Education, "New School Safety Initiative."
- ³³ See footnote 18.
- ³⁴ ACLU/NYCLU analysis of data from Department of Justice, Federal Bureau of Investigations, "Crime in the United States 2005," Table 78. http://www.fbi.gov/ucr/05cius/data/table_78.html (Retrieved January 23, 2007).
- ³⁵ Ibid.
- ³⁶ Youth Justice Board, "One Step at a Time: Recommendations for the School Community to Improve Safety." January 2006. p. 20. A 2004 bill passed by the New York City Council required the installation of

surveillance cameras at every entrance to a City school, an initiative costing hundreds of millions of dollars.

David Andreatta, "Cams for All Schools as Crime Skyrockets," *The New York Times*, September 15, 2004, p. 6.

³⁷ JB McGeever, "This is Not a Penitentiary: A View from Public School," *The New York Times*, November 27, 2006. http://www.citylimits.org/content/articles/viewarticle.cfm?article_id=2030 (Retrieved January 23, 2007).

³⁸ The following accounts of the events at Aviation High School, the Community School for Social Justice, and the Health Opportunities High School are based on interviews with multiple students and staff members who witnessed the events taking place. The account of the events at Curtis High School is based on first-hand observation by ACLU/NYCLU investigators.

³⁹ Sections A-432 I(A)(5) and A-432 II(B)(4) of the Chancellor's Regulations generally require that stu-

⁷⁵ 2006-2007 DOE Directory of School Library Personnel.

⁷⁶ ACLU/NYCLU analysis of NYC DoE School Based Expenditure Reports, available at

¹¹² Tim Bete, "School Security," *School Planning and Management*, January 1998, p. 10.

¹¹³ Tod Schneider, Hill Walker and Jeffrey Sprague, "Safe School Design: A Handbook for Educational Leaders Applying the Principles of Crime Prevention through Environmental Design" (ERIC Clearinghouse on Educational Management, Eugene, OR, 2000), p. 77. As cited in Bannan, "Impact Schools," p. 51.

¹¹⁴ Delbert S. Elliot et al., "Safe Communities-Safe Schools: Safe School Planning and Law Related Issues," Center for the Study and Prevention of Violence (2002), p. 30.

¹¹⁵ ACLU/NYCLU telephone interview with Bill Woodward, October 23, 2006.

¹¹⁶ Ibid.

¹¹⁷ ACLU/NYCLU interview, Brooklyn, New York, December 8, 2006.

¹¹⁸ Telephone requests were placed to the Office of Public Information, the Executive Office of School Safety, and the School Safety Division Investigative Unit. At the Investigative Unit, after multiple calls, a secretary admitted that her boss, Lieutenant McDonald, had no intention of providing any information about the complaint process.

¹¹⁹ A December 15 telephone inquiry to the Office of Public Information was followed, by request, with a faxed letter. We received no response.

¹²⁰ ACLU/NYCLU interviews with two high-level officials of the United Federation of Teachers, January 24, 2007.

¹²¹ Ibid.

¹²² Office of the New York City Public Advocate, "Between Policy and Reality: School Administrators Critical of Department of Education School Safety Policy," February 2007, at p. 5.

¹²³ Ibid.

¹²⁴ See e.g. Russell Skiba, "Zero Tolerance: The Assumptions and the Facts," Center for Evaluation and Education Policy, Summer 2004, pp. 2-4.

¹²⁵ Bannan, "Impact Schools," pp. 45, 51, 59.

¹²⁶ See e.g. David W. Johnson and Roger T. Johnson, "Conflict Resolution and Peer Mediation Programs in Elementary and Secondary Schools: A Review of the Research," *Journal of Research in Education*, Winter 1996, pp. 459-506. At 488, 494; J. B. Grossman et al., "Multiple choices after school: Findings from the Extended-Service Schools Initiative," *Public/Private Ventures* (2002), pp. 30-31; C.A. McNeely et al., "Promoting Student Connectedness to School: Evidence from the National Longitudinal Study of Adolescent Health," *Journal of Research in Education* Vol. 72 (4), 2002. As cited in Wald & Losen, at 5.

¹²⁷ Skiba, Russell, Boone, Kimberly, et al. "Preventing School Violence: A Practical Guide to Comprehensive Planning," *Safe and Responsive Schools* (2000), p. 9.

<http://www.indiana.edu/~safeschl/psv.pdf> (Retrieved on January 24, 2007)

¹²⁸ See generally Bannan, "Impact Schools," pp. 47-58.

¹²⁹ Office of the New York City Public Advocate, "Between Policy and Reality: School Administrators Critical of Department of Education School Safety Policy," February 2007, at p. 12.

¹³⁰ ACLU/NYCLU interviews with two high-level officials of the United Federation of Teachers, January 24, 2007.

¹³¹ Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero-Tolerance and School Discipline," Advancement Project (2000), p. 9.

¹³² This Report cites Los Angeles Unified School District, the Miami-Dade Public Schools, and the Clark County School District as models only to the extent that they have systems in place that allow educators oversight over policing in schools. The Report does not endorse any other policing policies and practices in these districts.

¹³³

