

# Hard



# Lessons

*School Resource Officer Programs  
and School-Based Arrests in  
Three Connecticut Towns*

A REPORT OF  
THE AMERICAN CIVIL LIBERTIES UNION  
AND THE ACLU OF CONNECTICUT

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Embargoed until 12:01 a.m. on Monday, November 17, 2008

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THE AMERICAN CIVIL LIBERTIES UNION is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.

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## I. INTRODUCTION AND EXECUTIVE SUMMARY

Children are far more likely to be arrested at school today than they were a generation ago. The use of school-based arrests<sup>1</sup> as a means of addressing even minor, non-violent disciplinary infractions raises serious concerns for educators, parents, and the wider community. While there is no question that guaranteeing the safety of our public schools is of the utmost importance, we must never come to view arresting students at school as just another approach to discipline.

Instead, every time a school-based arrest occurs, we must ask: Was this a rational, proportional, and evenhanded response to misbehavior? And was it really necessary? Or was there another way? At the same time, we must examine closely the relationship between school-based arrests and the use of school resource officers, or SROs, sworn law enforcement personnel stationed permanently in public schools. Plainly, SROs can help make schools safer. But their presence also may encourage a criminal justice response to misconduct better addressed by school administrators.

The American Civil Liberties Union, along with several other civil rights and civil liberties organizations, has become increasingly concerned over the last several years about the national trend of criminalizing, rather than educating, our nation's children, through increased reliance on zero-tolerance school discipline, school-based arrests, disciplinary alternative schools, and secure detention. The ACLU seeks to reverse this trend, commonly known as the "school-to-prison pipeline."

To this end, during the past eighteen months, the ACLU and its Connecticut affiliate have investigated two factors that may contribute to the school-to-prison pipeline – school-based arrests and SRO programs – in three towns in the Hartford, Connecticut area: Hartford, East Hartford, and West Hartford.<sup>2</sup> We filed public records requests with the police department and school district in each town, seeking information about SRO programs, as well as records describing the rate and nature of school-based arrests. We also filed public records requests seeking data on school-based arrests, as well as other disciplinary data, from Connecticut's State Department of Education ("SDE"). Finally, we conducted 27 interviews with SROs, principals, teachers, probation officers, juvenile defenders, social workers, and other stakeholders.

As described more fully below, our investigation revealed structural problems likely to diminish SRO program performance, as well as troubling school-based arrest practices in all three districts.

The remainder of Section I of this report summarizes our findings and recommendations. The next section, Section II, sketches the history of SROs in the state of Connecticut. Section III describes the roles SROs currently play in the three Hartford-area school districts we studied, as well as current efforts to define program objectives, provide SROs with relevant training, and monitor and evaluate performance. Section IV offers an analysis of arrest practices. Section V closes the report with recommendations for school administrators, police departments, and legislators.

This report is intended as a starting point, not an end, for discussions about the role of SROs and the use of school-based arrest in Hartford-area schools. Its goal is to inform the public about school-based arrests, while proposing measures to help ensure that school safety practices currently in use in the Hartford area are efficacious, rational, cost-effective, free of bias, and subject to regular evaluation and reform. We look forward to a fruitful conversation.

#### **a. Findings: SRO Programs**

Our examination of SRO programs revealed a variety of concerns. In order to function effectively, SRO programs must include the following elements: clearly defined objectives that are well understood by all stakeholders; adequate training requirements; and periodic outcome-based monitoring and evaluation mechanisms that permit program administrators and the public to gauge SRO programs' performance accurately. Evidence from the school districts we studied raises questions about whether these minimum criteria are being met. Our findings were as follows:

- There is a need to clarify the objectives of SRO programs in the school districts we studied. SROs in Hartford and West Hartford are not subject to formal written policies or agreements clearly describing their duties. In East Hartford, a Memorandum of Understanding (“MOU”) defines the relationship between the school district and the police department, but awareness of its requirements among individual SROs appears limited.

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- SRO training requirements in the three districts we surveyed are uneven. Neither Hartford nor West Hartford requires special training for SROs – though it does appear that some SROs are receiving relevant training. East Hartford, meanwhile, does impose a specific requirement for SROs, but it is unclear whether that requirement has been enforced.
- In all three districts, at the local level, data collection and reporting on the subject of school-based arrests – a critical element of any effort to monitor and evaluate SRO program performance – are inadequate. In fact, none of the local police departments or school districts in the three districts we studied maintains school-based arrest data in an accessible form.

## **b. Recommendations: SRO Programs**

Based on these findings, we offer the following recommendations aimed at improving the performance of SRO programs in the three towns:

### *i. Clarify Program Objectives*

- Every SRO program should have in place formal written policies describing the objectives of the program and the rules that will govern its operation. These policies should be publicly available.
- Where school districts and local police departments operate SRO programs in partnership, they should have in place publicly available MOUs or other formal agreements clearly establishing their mutual duties.

### *ii. Ensure Adequate Training*

- The substance of the policies and agreements governing each SRO program should be made known to all stakeholders, including SROs themselves, and this knowledge should be refreshed on a regular basis.
- The State of Connecticut should establish minimum standardized training requirements for SROs, including, but not limited to, training in counseling,



mediation, child and adolescent psychology, cultural competence, and applicable legal principles.

- Local compliance with state SRO training requirements should be a precondition for receipt of law enforcement grants.

### *iii. Monitor and Evaluate Performance*

- Each school district should annually assess the success of its SRO program, with particular attention to the rate and nature of school-based arrests, and publish the results of that assessment.
- The State of Connecticut should support local efforts by promulgating a detailed set of best practices for SRO program monitoring and evaluation, including a metric local districts could use in measuring the success of their SRO programs, and by providing local officials with technical assistance.

### **c. Findings: School-Based Arrests**

Gathering data on school-based arrests was difficult. As mentioned above, local agencies in the three towns we studied do not maintain such data in an accessible form. Meanwhile, SDE does collect and maintain such data, but has not prioritized ensuring the accuracy of that data through error detection and correction, as it does with data on suspensions and expulsions. Furthermore, SDE has not used its data on school-based arrests to inform the public. Indeed, when we requested such data, SDE responded that a state law, C.G.S.A. § 10-10a(b), permits it to deny members of the public access to *any* of the discipline and school-based arrest data it maintains, even though student privacy concerns could be addressed through redaction.

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In the end, after the ACLU appealed to the Connecticut Freedom of Information Commission, SDE agreed to release a portion of the requested information. The data it provided offer valuable insights into the rate and nature of school-based arrests in the three towns we studied. Those data also give cause for concern. One dismaying aspect of the school-to-prison pipeline is its disproportionate impact on students of color. Across the nation, such students are far more likely than their white peers to be suspended, expelled, or arrested, even when engaging in exactly the same conduct.<sup>3</sup> In the two suburban school districts we studied, the same pattern emerges. Students of color are arrested at a rate far out of proportion to their numbers, and students of color committing certain common disciplinary infractions are more likely to be arrested than are white students committing the same offenses. School-based arrest likewise has a significant impact on very young students in the towns we studied. More specifically, our findings on the subject of school-based arrest were as follows:

- The per capita rate of school-based arrest in East Hartford, at just over 17 arrests per 1000 students during the 2006-07 school year, is the highest among the three districts. That rate also rose by nearly a third between the 2005-06 and 2006-07 school years.
- In West Hartford, the per capita rate of school-based arrest was considerably lower – just over 5 arrests per 1000 students in 2006-07. But over the two years for which data were available, the likelihood that a disciplinary incident would result in a school-based arrest was higher in West Hartford than in the other two districts. During the 2005-06 and 2006-07 school years, 4.9 percent of incidents resulted in arrest in West Hartford, as compared to 3.3 percent in East Hartford and 0.6 percent in Hartford.
- Hartford reports the lowest rate of school-based arrest, at around 4 arrests per 1000 students in 2006-07, but its high suspension rate likely increases the number of students arrested off campus. The same year, Hartford imposed 9,194 suspensions on a student population totaling 22,319, or approximately 412 suspensions per 1000 students. Moreover, as explained further below, discrepancies between Hartford's reported arrest totals and contemporaneous media accounts suggest that Hartford school officials may have understated their arrest totals.
- In West Hartford and East Hartford, students of color are arrested at school at a rate far out of proportion to their numbers. In 2006-07, for example, African American and Hispanic students together accounted for 69 percent of East Hartford's student population, but experienced 85 percent of its school-based

arrests. Likewise, the same year, in West Hartford, African American and Hispanic students accounted for 24 percent of the population, but experienced 63 percent of arrests.

- In West Hartford and East Hartford, students of color committing certain common disciplinary infractions are more likely to be arrested than are white students committing the very same offenses. For example, over the two years for which

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data are available, African American students involved in physical altercations at school in West Hartford were about twice as likely to be arrested as similarly situated white students. And during the same time period, in East Hartford, both African American and Hispanic students involved in disciplinary incidents involving drugs, alcohol, or tobacco were ten times more likely to be arrested than were similarly situated white students.

- Although there is reason to fear that students with disabilities are

arrested at disproportionately high rates in the school districts we studied, SDE has refused to release data that could indicate whether this is so.

- In all three school districts, very young students are being arrested at school. For example, in Hartford, during the two years for which data are available, 86 primary-grade students experienced school-based arrest. A majority of these were seventh or eighth graders, but 25 were in grades four through six, and 13 were in grade three or below.

#### **d. Recommendations: School-Based Arrests**

With regard to school-based arrests, we offer the following recommendations:

##### *i. Reduce Incidence and Minimize Impacts*

- School officials and other local authorities should expand preventive measures aimed at reducing the incidence of misconduct that otherwise might result in school-based arrest, e.g., positive behavioral interventions and support (“PBIS”) programs, mentoring, mental health services, substance abuse prevention, educational supports, and assistance with employment. The state of Connecticut should expand its support for such measures through funding and technical support, as well as by requiring their implementation in school districts where arrest rates exceed acceptable levels.
- Where misconduct does occur, school districts and police departments should employ interventions that attack the root causes of misbehavior, e.g., mediation, substance abuse counseling, and mental health services.
- Prevention and intervention strategies should be implemented with special attention to the two types of offenses that give rise to the greatest number of school-based arrests: those involving physical force (fights, assaults, and other physical altercations); and those involving illicit substances (drugs, alcohol, or tobacco).
- Whenever possible, SROs should impose lesser sanctions, such as ticketing, rather than arresting students.
- SROs must arrest students only as a *last resort* – only where arrest is absolutely necessary to protect school safety or for the initiation of juvenile justice proceedings.
- Where there is no alternative to school-based arrest, maximum use should be made of diversion programs, e.g., juvenile review boards.

*ii. Reduce Impact on Vulnerable Populations*

- Where school-based arrests disproportionately impact students of color or students with disabilities, school districts and local police departments must take concrete steps to determine the cause and to reduce those disparities.
- School districts and local police departments must also take concrete steps to reduce the impact of school-based arrests on very young students.
- The State of Connecticut should establish a coordinating body to oversee efforts to reduce disparities in the impact of school-based arrest. This body should collect detailed information on school-based arrest; should develop and implement strategies to address disparities, including measurable objectives; and should evaluate the progress of local and state agencies toward achieving those objectives.

*iii. Improve Data Collection and Transparency*

- Each school district should maintain its own database containing detailed information about school-based arrests.
- SDE should continue its existing efforts to collect data about school-based arrests, and should devote the necessary resources to ensure the accuracy of those data.
- SDE should continue producing publicly available annual reports on school discipline, and should expand its reporting to include information about school-based arrests. At a minimum, each school district's annual report should include the overall absolute and per capita rate of school-based arrest, as well as absolute and per capita rates of school-based arrest for each racial subgroup, students with low English proficiency, students with disabilities, and primary-grade students. These reports also should include data on the offenses for which arrests were made. Data about any subgroup should be redacted only if the number of students in that subgroup is so small that disclosure would permit the identification of individual students.

- Except where disclosure would permit the identification of individual students, the information in SDE's database of disciplinary data should be publicly available. The Connecticut Legislature should amend C.G.S.A. § 10-10a(b) to clarify that although the entire database is not, itself, a public record, the data it contains are not subject to a blanket exemption from Connecticut's public records statute. Even if the statute is not amended, SDE should not invoke it to justify a wholesale denial to the public of access to the data it collects.
- Whenever a student is arrested at school, law enforcement or court staff should report to the school district about the disposition of that student's case. School districts should then report this data to SDE.

## II. SCHOOL-BASED POLICING IN THE STATE OF CONNECTICUT

The presence of SROs in Connecticut schools is a relatively new development. Although the idea of a “school resource officer” – a sworn law enforcement officer stationed at a public school – is said to be half a century old,<sup>4</sup> most Connecticut towns did not have SROs until the late 1990s.<sup>5</sup> In many communities, police officers have long worked in schools on an occasional basis, teaching classes and conducting other forms of outreach.<sup>6</sup> And a few towns hired SROs prior to the late 1990s, including Hartford, where police officers have served full-time in public schools since 1994.<sup>7</sup> But as recently as 1999, there were only about fifty SROs statewide.<sup>8</sup>

The end of the 1990s brought a dramatic increase in the number of SROs. In part, the increase was driven by the fears of parents and educators in the wake of school shootings in Arkansas, Colorado, and elsewhere.<sup>9</sup> Even though important indicators of school safety were actually improving in those years,<sup>10</sup> many communities were genuinely fearful,<sup>11</sup> and adopted a “better safe than sorry” approach. In the words of a Plainfield selectman: “[T]hese tragedies prompted me to [support a new SRO program] .... I don’t want to look back and say we made a mistake .... You start second-guessing about public safety, and you are making a mistake.”<sup>12</sup>

Local public safety concerns provided communities with a further incentive to hire SROs. Efforts to establish an SRO program in Vernon gained momentum in 1998 following bomb threats and an outbreak of graffiti.<sup>13</sup> In Norwalk, public support for SROs grew in 2006 after a series of crimes in the community, some of which involved local teenagers.<sup>14</sup> And in 2007, Newington considered a proposal to hire new SROs after five high school students were arrested and charged with felonies.<sup>15</sup> Thus the roll of Connecticut communities with SROs has continued to grow, year after year.<sup>16</sup>

Federal initiatives have encouraged and supported SRO hiring, as well. In 1998, immediately following the Columbine disaster, President Bill Clinton ordered the release of \$70 million in federal funding for school-based police officers.<sup>17</sup> The U.S. Justice Department’s COPS in Schools (CIS) grant program, created the same year<sup>18</sup> to help local communities pay for new SROs,<sup>19</sup> provided more than \$9 million over the next 5 years to assist 39 Connecticut towns in hiring 74 school resource officers.<sup>20</sup> Hartford alone received \$625,000 in two CIS grants in 2000 and 2001.<sup>21</sup> Federal grants also supported the hiring of scores of new Connecticut state troopers, permitting the integration of about 120 troopers into schools as SROs.<sup>22</sup>

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Although some efforts to hire SROs were motivated by fears about school violence, preventing violent incidents has seldom been the sole aim of new programs. Stamford’s SRO program was designed to “encourage trust and positive relationships between police and young people.”<sup>23</sup> At an Enfield middle school, the SRO “fulfill[ed] a multifaceted role, such as assisting staff during medical emergencies, offering parents information about their rights in regard to discipline and teaching students how to resolve conflicts without physical violence,” and was described by

the school’s vice-principal as “an integral part of our social structure.”<sup>24</sup> Likewise, in East Hartford, SROs were encouraged “to be involved in staff development activities, to serve as instructors on occasion, to participate in school clubs.”<sup>25</sup>

Some proposals to create new SRO programs have sparked controversy, raising concerns about the impact of SRO hiring on town budgets,<sup>26</sup> or the effect of armed officers in the school context,<sup>27</sup> particularly where SROs were proposed for elementary or middle schools.<sup>28</sup> During a 2002 controversy over SROs in East Hartford, then-mayor Timothy Larson cited numerous problems with the city’s SRO program, criticizing school authorities for failing to use the SRO program properly, claiming that SROs had become “de facto security guards,” and arguing that SROs should not be “a front-line security presence” in the schools.<sup>29</sup>

But in many towns, SRO programs have enjoyed enthusiastic support among parents concerned about security,<sup>30</sup> as well as among teachers and administrators, who often have welcomed the arrival of SROs<sup>31</sup> and, in the rare case where SRO programs have been terminated, have lamented their departure.<sup>32</sup> Proposals to establish or retain SRO programs also have won vigorous backing from the editorial boards of some Connecticut newspapers. In one typical statement, the *Courant* lauded the decision, mentioned above, to hire state troopers to serve as SROs, declaring: “Only good can come of the troopers’ role as friends of and advisers to students at a time of widespread nervousness about violence in schools.”<sup>33</sup>

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Once in place, SRO programs have tended to remain. The federal CIS grant program, which has helped pay for many of Connecticut’s new SRO programs, helped ensure those pro-



grams' stability by requiring local governments to retain their SROs for at least one full funding cycle after their three-year federal grants expired.<sup>34</sup> More importantly, Connecticut's SRO programs have enjoyed considerable – and continuing – public support. Educators are often heard to express appreciation for SROs' efforts, as described above, or for the continuity SRO programs create, in contrast to the old approach, under which police officers appeared in schools only occasionally or in emergencies.<sup>35</sup> Connecticut newspapers regularly offer glowing assessments of SRO programs, including profiles of SROs helping troubled children,<sup>36</sup> and report from time to time on SROs' successes in averting or stopping crimes,

as when, in February 2007, a New Britain SRO averted a planned bombing by a troubled student.<sup>37</sup> Likewise, in some communities, public officials have credited SRO programs where overall rates of misconduct or crime – even outside the school context – have declined.<sup>38</sup>

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Still, objective measures of the success of Connecticut's SRO programs can be difficult to come by. In 2002, when Windsor Locks considered hiring an SRO pursuant to a CIS grant, the *Courant* sensibly advised: "During the next four

years, the police department should record in detail the kind and number of incidents its officer handles at the school. When the time comes for the town to assume the full cost, there will be plenty of evidence to judge the program's effectiveness."<sup>39</sup> But some towns' efforts to monitor and evaluate their SRO programs appear to have been unsatisfactory. In 2001, as the town of Southington explored hiring a community resource officer for its middle schools, one school board member bemoaned the lack of useful information about the performance of the town's SRO, stationed at the high school: "We need a good analysis of what's happened at the high school for the last three to four years. . . . All we hear are rumors and gossip; we don't have any solid information."<sup>40</sup>

Meanwhile, some towns have struggled with the challenges SRO programs present. For example, the presence of SROs may increase the likelihood that students will be arrested for misconduct that otherwise would be addressed as a discipline issue – as arguably occurred in November 2007, when two Greenwich high school students who had set off a firecracker were arrested and charged with a felony.<sup>41</sup> Misbehaving students also may face other severe consequences when SROs intervene. In May 2008, when a Greenwich high school student "bec[ame] verbally abusive and confrontational, kicking a chair that hit a chair in which another student was sitting," an SRO shocked him three times with a Taser.<sup>42</sup> In other cases, rather than deterring misbehavior or defusing volatile students, SROs may simply raise

the stakes. In May 2007, for example, when a Stratford SRO confronted a 15-year-old student who was disrupting class, the student – described as “not a student who ordinarily gets into trouble” – “swung at [the SRO] with his right arm,” after which he was arrested, transported to a detention facility, and charged with five different offenses, including assault on a police officer.<sup>43</sup> Finally, where SROs act improperly, students may suffer physical and emotional harm. In one well-publicized example, a Stamford SRO was charged with molesting two boys; in 2004, after a mistrial, he accepted probation.<sup>44</sup>

From the late 1990s onward, an increasing number of Connecticut communities have made police officers a permanent presence in their schools by establishing SRO programs. Today, such programs remain popular, and it is clear that they have made valuable contributions. Still, uncertainty exists about how well they are really performing on the whole. Are they accomplishing the myriad purposes for which they were created? Do they represent the safest and most cost-effective means of doing so? How can existing problems be addressed, and SROs’ performance improved? By providing basic information about SRO programs in three Hartford-area school districts, this report seeks to assist Connecticut communities as they grapple with these vital questions.

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**Uncertainty exists about how well SRO programs are performing. Are they accomplishing the myriad purposes for which they were created? Do they represent the safest and most cost-effective means of doing so? How can existing problems be addressed, and performance improved?**

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### III. SROS IN THREE HARTFORD-AREA SCHOOL DISTRICTS

There is no question that guaranteeing the safety of our public schools is of the utmost importance. Nor is there any doubt that SROs can help make schools safer by mediating disputes and by deterring or halting misconduct. With rare exceptions, however, school safety should be the province of school administrators, not police officers. The constant presence of police officers in school may weaken this principle, making it more likely that minor disciplinary infractions will meet with a criminal justice response. Moreover, in order for SRO programs to succeed, three program elements are critical: 1) a clearly defined role for SROs that is well understood by all stakeholders; 2) adequate training to prepare SROs to fulfill the role set for them; and 3) periodic outcome-based monitoring and evaluation mechanisms that permit program administrators and the public to gauge SRO programs' performance accurately. Recent interviews with educators, SROs, and others in Hartford, West Hartford, and East Hartford raise questions about whether these minimum criteria are being met.

#### a. A Clearly Defined Role

An essential element of any SRO program is a clear statement of the role SROs are meant to play and the objectives they are meant to achieve. Some communities accomplish this by means of a memorandum of understanding (“MOU”), or other formal written agreement, between the school board and the police department, in which the mutual responsibilities of SROs and educators are spelled out. The federal CIS grant program required communities that sought funding for SRO programs to include such MOUs in their grant applications.<sup>45</sup> Nevertheless, according to one federally-funded study of SRO programs: “One [of]

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the most frequent and destructive mistakes many SRO programs make is to fail to define the SROs' roles and responsibilities in detail before – or even after – the officers take up their posts in the schools. When programs fail to do this, problems are often rampant at the beginning of the program – and often persist for months and even years.”<sup>46</sup> Nor is it sufficient merely to agree on a definition of the SRO's role, since “[a]dministrators – and SROs – may forget that [such] an agreement even exists.”<sup>47</sup> Instead, “programs need to take steps to keep the [agreement] ‘alive,’”

helping ensure that both SROs and school administrators remain informed about their roles and responsibilities.<sup>48</sup> In each of the three districts we studied, SROs play a variety of roles. But cause for concern exists about how clearly these roles are defined, and how well they are understood by stakeholders.

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Hartford's schools are patrolled not only by SROs – sworn, uniformed law enforcement officers who carry firearms and are employed by the police department – but also by “special police officers,” or SPOs, who are more akin to security guards and are employed by the school district. While the rights and duties of SPOs are outlined in a collective bargaining agreement between their union and the school board, no MOU or other comparable document exists for SROs.<sup>49</sup> It

is clear that Hartford's SROs perform a complex role; the principal at one Hartford school described SROs' duties as “multi-faceted,” including improving student-police rapport, deterring delinquency, and even teaching classes on civics or other related subjects.<sup>50</sup> Less clear is whether all stakeholders understand this role in the same way. One SRO described his job as essentially the same as it would be in a non-school setting, explaining that his role was to “maintain control” and establish a “command presence.”<sup>51</sup>

In West Hartford, as well, the schools are patrolled both by SROs, sworn officers employed by the police department, and by other security personnel employed by the school district. The duties of West Hartford's SROs duties are diverse, encompassing not just law enforcement, but also mediation, building rapport with students, and teaching classes on subjects as diverse as drunk driving, date rape, and the law of search and seizure.<sup>52</sup> As in Hartford, however, no written guidelines specifically define the SROs' role.<sup>53</sup>

As in the other towns, East Hartford's schools are patrolled by SROs, who are paid by the police department and within its chain of command,<sup>54</sup> as well as by security guards.<sup>55</sup> But East Hartford's SRO program is governed by an MOU between the police department and the school board. Further guidance appears in an operations plan outlining basic programmatic elements, e.g., duty stations.<sup>56</sup> Adopted in 2006<sup>57</sup> – several years after SROs began patrolling East Hartford's schools – the MOU observes that an SRO “is, first, a police officer whose primary duty is enforcement of the law,” but also directs SROs to “coordinate and communicate” with principals and their designees, to “work with the principal and school personnel in his/her assigned school as a staff member,” and to “adhere to the principal's scope of authority in the school.”<sup>58</sup> Like SROs elsewhere, those in East Hartford are

expected to carry out a diverse range of duties, including law enforcement, counseling, mediation, and teaching.<sup>59</sup> According to the operations plan, the program employs a “two point approach,” addressing student misconduct both through law enforcement and through “social channeling,” or referrals to social service providers.<sup>60</sup> Meanwhile, the MOU outlines three goals: (1) to “[h]elp maintain a safe and secure environment that will be conducive to learning”; (2) to “[p]romote positive attitudes regarding the police role in society and to inform students of their rights and responsibilities as lawful citizens”; and (3) to “[e]stablish a liaison with school personnel in a cooperative effort to prevent disruptive or violent behaviors.”<sup>61</sup> The existence of the MOU clearly is a positive step for East Hartford’s SRO program. Still, some doubt exists about whether individual SROs are familiar with its contents; one explained that although he thought such an agreement existed, it had never been signed, and was not in force.<sup>62</sup>

#### **b. Adequate Training**

Another difficulty Connecticut’s new SRO programs have presented is that of training. Educators and law enforcement officials alike are motivated to ensure that every SRO is, in the words of a New Britain principal, “the right fit, intellectually, personally and in terms of his attitude toward the kids.”<sup>63</sup> But temperament alone is not enough. SROs also must have training in the wide variety of competencies their positions require: counseling, mentoring, basic classroom teaching, child and adolescent psychology, cultural competence, applicable legal principles, problem-solving, and mediation, just to name a few.<sup>64</sup> Proper training yields substantial benefits; in 2006, Bridgeport’s school security director credited the city’s SRO training efforts with helping cut its school-based arrest rate in half.<sup>65</sup> Conversely, as one federally-funded report concluded, “without proper training, SROs can make serious mistakes related to their relationships with students, school administrators, and parents that at best cause short-term crises and at worst jeopardize the entire program in the school.”<sup>66</sup>

Federal programs like CIS have helped to shape local communities’ approach to training. But the training obligations the CIS program imposed were not as rigorous as they might have been. Although the program did require each community receiving a grant to send its SROs and one school administrator to a three-day training program,<sup>67</sup> it imposed no additional requirements, and forbade grant recipients from using program funds to pay for further training.<sup>68</sup> It also permitted grant recipients to delay fulfilling the training requirement until the end of the grant period,<sup>69</sup> even though “any delay in training can be a serious problem because SROs then have to learn their jobs by ‘sinking or swimming’ with the possible consequences of providing ineffective services and making serious mistakes on the job.”<sup>70</sup> Meanwhile, communities that did not participate in the CIS program have been subject only to such training requirements as they have imposed on themselves.

As with the problem of defining the SRO's role, efforts to implement appropriate training in the three towns we studied appear to have been uneven. Hartford does not impose any special training requirements on its SROs, over and above those imposed on regular police

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**Temperament alone is not enough. SROs also must have training in a wide variety of competencies, including counseling, mentoring, teaching, child and adolescent psychology, cultural competence, legal principles, problem-solving, and mediation.**

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officers. Nor does Hartford's Police Academy provide specialized SRO training, though such training is available via the Police Officer Standards & Training Council ("POST") in Meriden. West Hartford, likewise, does not impose a special training requirement on SROs.<sup>71</sup> However, one West Hartford SRO reported having received over 100 hours of relevant training, including 36 hours of training on the role of police officers as liaisons between police departments, courts, and the schools, sponsored by the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention; and 40 hours of POST training on school violence, gangs, drug abuse, and other topics.<sup>72</sup> Finally, East Hartford imposes a formal requirement that SROs undergo 40 hours of training

with the National Association of School Resource Officers (NASRO).<sup>73</sup> Again, however, it is unclear how consistently this policy is implemented, since an SRO at one East Hartford school reported receiving only five hours of training.<sup>74</sup>

### **c. Periodic Monitoring and Evaluation**

Some mechanism for monitoring and evaluation is an indispensable element of any SRO program, since "without a formal assessment, it is very difficult to know whether the program needs improvement, and if so, what specific changes are needed."<sup>75</sup> Outcome-based monitoring is especially useful: "Holding SROs accountable for *results/outcomes* (e.g., reducing school-based crime and disorder problems) rather than *activities performed* (e.g., number of classroom presentations) leads to more effective policing and a reduction in school crime and disorder problems."<sup>76</sup> In particular, those administering SRO programs need to know how often SROs are imposing the severest sanction at their disposal: school-based arrest. They need to know which students are arrested, on what basis, with what procedural protections, and with what result. Ordinary members of the public likewise are entitled to know how well the officers who police their children's schools, and whose salaries their tax dollars pay, are performing.

Here, too, the CIS grant program has helped shape some Connecticut communities' approaches to monitoring and evaluation. Unfortunately, while the CIS program required grant recipients to provide the Justice Department with periodic reporting on programmatic elements, including "force demographics, baseline sworn force levels, and community policing activities in and around primary and secondary schools," as well as financial status and hiring,<sup>77</sup> it did not expressly require reporting on outcomes. Nor did it require that any of these reports be made public. And its requirements applied only in those towns that received CIS grants, and there only during the three-year grant period.

In the districts we studied, current efforts to monitor SRO performance – and in particular school-based arrests – are inadequate. State law requires law enforcement authorities to provide written notice to school officials whenever students are arrested for Class A misdemeanors or felonies.<sup>78</sup> But it does not require school officials to monitor arrests, or even to keep the reports they receive. Similarly, each time a significant disciplinary incident occurs at school, including one that leads to a school-based arrest, the school district must prepare an incident report, called an ED166, and submit it online to the State Department of Education (SDE), but there is no requirement that districts maintain these records themselves.<sup>79</sup> In the absence of such requirements, neither school officials nor law enforcement authorities in the districts we studied maintain school-based arrest data in an accessible or usable form. At the state level, SDE does maintain a database containing all the data local school districts have provided via the ED166 form – but it has not used that data to inform the public about school-based arrests.

In Hartford, the police department maintains records of all arrests, including arrests of students at school, but it does not isolate school-based arrest data, and thus cannot easily track the rate or nature of those arrests. School officials in Hartford do not monitor this information, either. They do prepare "unusual incident reports" when students engage in certain types of misconduct, some of which may result in arrest, but these reports do not constitute an accurate record of school-based arrests, since an arrest may occur without generating an unusual incident report. Nor is there any centralized collection point for these reports.<sup>80</sup>

In West Hartford, the situation is similar. The police department does not track school-based arrests specifically. In response to the ACLU's request for school-based arrest data, the department responded that the request "d[id] not coincide with the categories in which we store the information."<sup>81</sup> The police department agreed to task staff with culling the necessary information from the larger body of arrest reports – but school-based arrest data were by no means readily available for evaluation or other purposes. Nor do school officials in West Hartford maintain such data. They do temporarily maintain the arrest reports they receive from law enforcement authorities pursuant to state law. But at the end of each school

year, they shred all such records<sup>82</sup> – protecting student privacy, but also rendering themselves unable to say whether the rate or nature of school-based arrests changes from one year to the next.

In East Hartford, the MOU that governs the SRO program imposes specific reporting obligations, requiring SROs to prepare investigative reports, arrest reports, juvenile referrals, and monthly activity reports, and to submit all those documents to their supervisors at the police department.<sup>83</sup> However, as in the other two districts, neither the police department nor the school district specifically tracks school-based arrests.

Nor does it appear that local and state officials tasked with adjudicating youthful offenders keep track of how many students are arrested at school, and for what. Superior Court staff maintain no specific records of this type.<sup>84</sup> A 2006 strategic plan for improving juvenile justice prepared by the Child Welfare League for the Department of Children and Families and the Court Support Services Division of the state judicial branch offered insights into the need for better monitoring: “Several of the most pressing problems in the juvenile justice system relate to certain populations that are not served adequately or as successfully as necessary. To design the most appropriate and effective services for all children and youth, agencies must better understand the scope of and trends in various populations.”<sup>85</sup> As they seek

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**Those administering SRO programs need to know which students are arrested, on what basis, with what procedural protections, and with what result. Members of the public likewise are entitled to know how well the officers who police their children’s schools, and whose salaries they pay, are performing.**

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to improve their information-gathering and analytical efforts, state and local administrators should bear in mind the special problem of school-based arrests.

Perhaps the best-informed public officials on the subject of school-based arrests are those at SDE, which maintains the database of ED166 reports mentioned above, and even uses that data to produce annual reports on school discipline in each Connecticut school district, as well as for the state as a whole.<sup>86</sup> But SDE’s reporting falls short in basic respects. For example, while the annual reports indicate the number of students in each racial subgroup who are found to have engaged in certain broad categories of misconduct, it offers

no indication about the punishments students from the various groups received. The annual reports say nothing about students with disabilities. And on the topic of school-based arrests, they are silent.



Even when directly requested to release information about school-based arrests to the public, SDE has resisted. Responding to an ACLU public records request on this subject, SDE invoked a state statute, C.G.S.A. § 10-10a(b), which states that the ED166 database itself is not a “public record” under Connecticut’s Freedom of Information law.<sup>87</sup> Under this statute, SDE maintained, it was empowered to refuse to release *any* of the information the database contains. It also cited privacy concerns, even though such concerns could have been addressed through redaction. In the end, in order to settle ACLU’s appeal of its decision to the Connecticut Freedom of Information Commission, SDE offered to release data *either* about the race of arrested students *or* about the gender and disability status of those students. Because the ACLU chose the former option, this report describes certain racial disparities, but says nothing about how school-based arrest in the three districts affects male or female students in particular, or students with disabilities.

Finally, SDE itself has expressed concerns about the reliability of its school-based arrest data. Because school district personnel sometimes make mistakes in completing the ED166 form, SDE “cleans up” the data it receives, seeking out and correcting errors. Its work on this difficult task has been more intensive in some areas than in others, with the most common disciplinary sanctions – suspension and expulsion – receiving more attention than rarer phenomena like school-based arrests. For this reason, even while providing information about school-based arrests, SDE cautioned against overreliance on its accuracy. Still, SDE’s school-based arrest data give no indication of wholesale inaccuracy. They are also by far the best data available on this critically important subject. Indeed, given the inadequacy of local efforts to collect and maintain school-based arrest data, there simply is no other source.

## IV. SCHOOL-BASED ARRESTS – AN ANALYSIS OF THE DATA

Each time a student is arrested at school, an institution that was designed to prepare young people for fulfilling and productive lives instead has delivered one into the juvenile justice system. Each time, educators and community members should ask: Was this arrest truly a last resort? Or could it have been avoided? Was it a rational, proportional, and evenhanded response to misconduct? And was it carried out without regard to race, gender, or disability? Recent SDE data on the subject of school-based arrest in Hartford, East Hartford, and West Hartford raise serious concerns about the answers to these questions. Some notable findings:

- East Hartford's per capita rate of school-based arrest, at just over 17 arrests per 1000 students in 2006-07, is the highest among the three districts. That rate also rose by nearly a third between 2005-06 and 2006-07.
- In West Hartford, the per capita rate of arrest in was considerably lower – just over 5 arrests per 1000 students in 2006-07. But over the two years for which data were available, the likelihood that a disciplinary incident would result in a school-based arrest was higher than in the other two districts. During the 2005-06 and 2006-07 school years, 4.9 percent of incidents resulted in arrest in West Hartford, as compared to 3.3 percent in East Hartford and 0.6 percent in Hartford.
- Hartford reports the lowest rate of school-based arrest, at around 4 arrests per 1000 students in 2006-07, but its high suspension rate – in that year, 412 suspensions for every 1000 students – likely increases the number of students arrested off campus. Moreover, as explained further below, discrepancies between Hartford's reported arrest totals and contemporaneous media accounts suggest that Hartford school officials may have understated their arrest totals.
- In West Hartford and East Hartford, students of color are arrested at school at a rate far out of proportion to their numbers. In 2006-07, African American and Hispanic students together accounted for 69 percent of the student population in East Hartford, but experienced 85 percent of school-based arrests. Likewise, the same year, in West Hartford, African American and Hispanic students accounted for 24 percent of the population, but experienced 63 percent of arrests.
- Moreover, in both West Hartford and East Hartford, students of color committing certain common disciplinary infractions are more likely to be arrested than

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**Each time a student is arrested at school, an institution designed to prepare young people for fulfilling and productive lives instead has delivered one into the juvenile justice system.**

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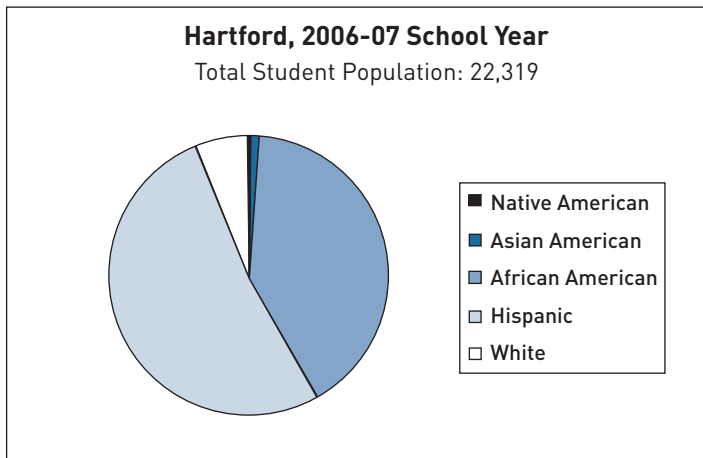
are white students committing the same offenses. For example, over the two years for which data are available, African American students involved in physical altercations at school in West Hartford were twice as likely to be arrested as similarly situated white students. And during the same time period in East Hartford, both African American and Hispanic students involved in disciplinary incidents involving drugs, alcohol, or tobacco were ten times more likely to be arrested than were similarly situated white students.

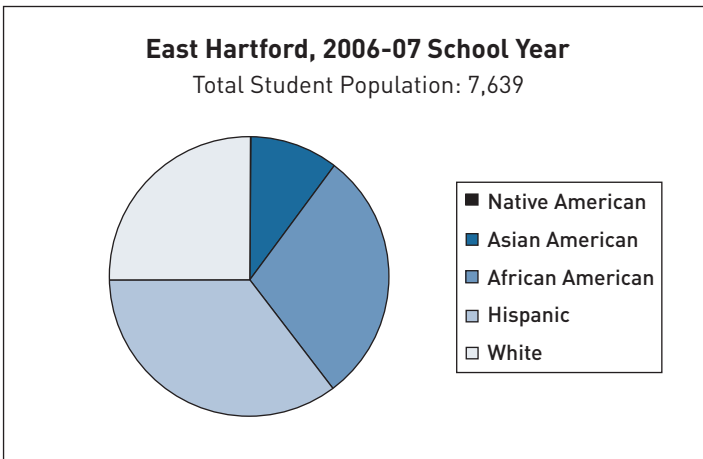
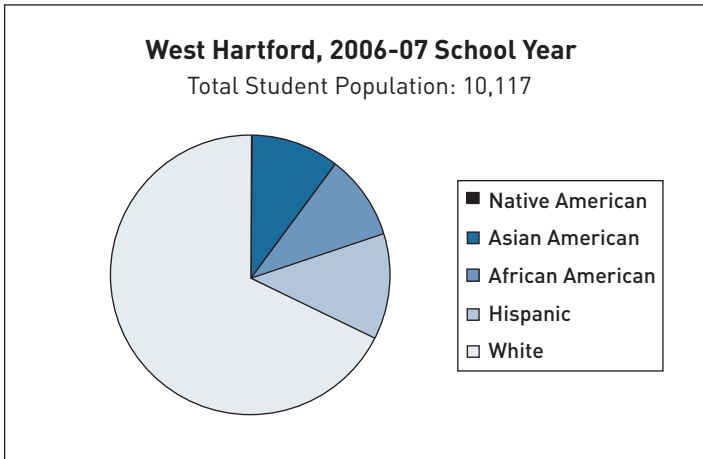
- Although there is reason to fear that students with disabilities are arrested at disproportionately high rates in the school districts we studied, the state of Connecticut refuses to release data that could indicate whether this is so.

- In all three school districts, very young students are being arrested at school. In Hartford, for example, during the two years for which data are available, 86 primary-grade students experienced school-based arrest. A majority of these were seventh or eighth graders, but 25 were in grades four through six, and 13 were in grade three or below.

**a. Demographics**

Rates of school-based arrest in these three Hartford-area school districts are best viewed against the backdrop of the three districts' widely divergent demographics. Hartford's school system is by far the largest, with more students than the other two districts combined. Hartford's schools are attended almost entirely by students of color, while a large majority of West Hartford's students are white, and East Hartford is divided more evenly among African American, Hispanic, and white students. Each school district also has a relatively small Asian American population, in 2006-07 ranging from 1 percent in Hartford to just under 10 percent in West Hartford, and even smaller numbers of Native American students, of whom, in 2006-07, there were just over 100 in the three districts combined.

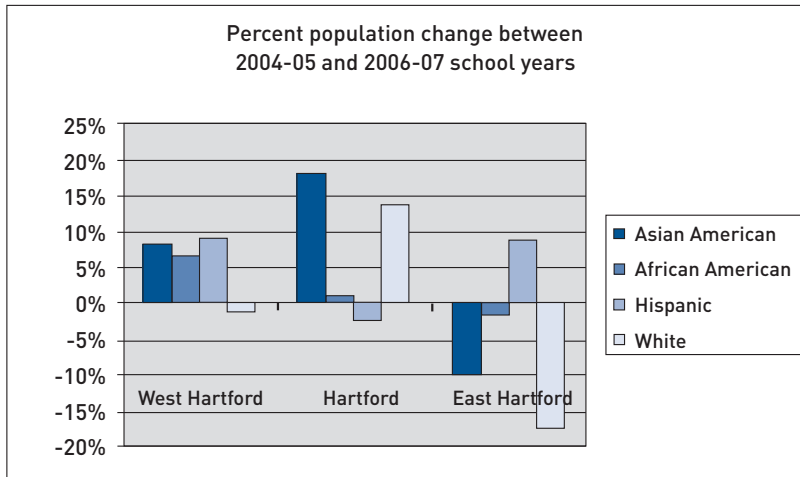




Hartford is also the least affluent of the three districts, with more than two thirds of its students eligible for free or reduced-price meals. In East Hartford the figure is roughly half. West Hartford is substantially wealthier: Only about one seventh of its students are eligible. The differences between the three districts' economic profiles also are reflected in the decisions SDE has made in assigning them to District Reference Groups (DRGs). SDE describes the

DRG system as “a classification of districts whose students’ families are similar in education, income, occupation, and need, and that have roughly similar enrollment.” Each DRG has a letter designation, with “A” denoting the most affluent districts, and “I” denoting the school districts of Connecticut’s largest cities, which serve the state’s poorest families. Thus Hartford’s designation is “I,” while West Hartford’s is “B” and East Hartford’s is “H.”

The three districts’ racial makeup has not changed dramatically over the past three years. Still, demographic shifts are underway. In West Hartford, students of color still constitute a minority, but increased in number between the 2004-05 and 2006-07 school years. In Hartford, the number of Hispanic students dropped slightly, while the other subgroups grew. And in East Hartford, the opposite occurred: the number of Hispanic students increased, while the other subgroups shrank.



## b. The Data

As explained above, the ACLU filed public records requests with SDE seeking disciplinary and school-based arrest data from Hartford, East Hartford, and West Hartford for the 2004–05, 2005–06, and 2006–07 school years. The data SDE provided in response offer rich insights into the administration of discipline in these districts, particularly with respect to the impact of school-based arrests on students of color. Again, unfortunately, SDE declined to release any data that would permit an analysis of the role disability and gender might play in school-based arrests. Therefore, although this report contains an analysis of the relationship between race and school-based arrest, it contains no such analysis for disability or gender, or for the relationship between race and these two categories.

One other limitation of the data: Until 2005–06, the ED166 form did not require school districts to report school-based arrests. Thus no data on arrest rates are available for any earlier year. However, the ED166 form for 2004–05 *did* ask whether each school disciplinary incident was reported to the police. The resulting police report data are not the same as arrest data, since not every incident that is reported to the police results in arrest. However, the number of police reports does at least provide an upper bound for the number of school-based arrests. Thus, in some of the tables that follow, the two types of data appear side by side. Nevertheless, it is important to bear in mind the difference between them.

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**In the suburban districts, students of color are arrested at a rate far out of proportion to their numbers. Moreover, students of color committing certain common disciplinary infractions are more likely to be arrested than are white students committing the same offenses.**

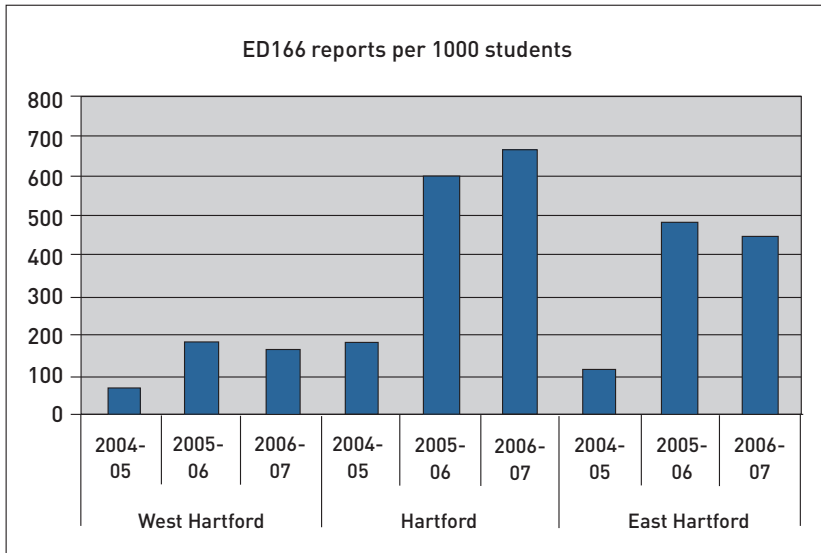
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## c. School-Based Arrests

Available data indicate that there is reason to be concerned about school-based arrests in each of the three Hartford-area school districts we examined. They suggest a need to control absolute and per capita rates of arrest, especially in East Hartford. They likewise indicate a continuing need to monitor the rate at which disciplinary incidents result in arrest, especially in West Hartford. And they point out the importance of accurate data collection, especially in light of concerns about Hartford's arrest reporting.

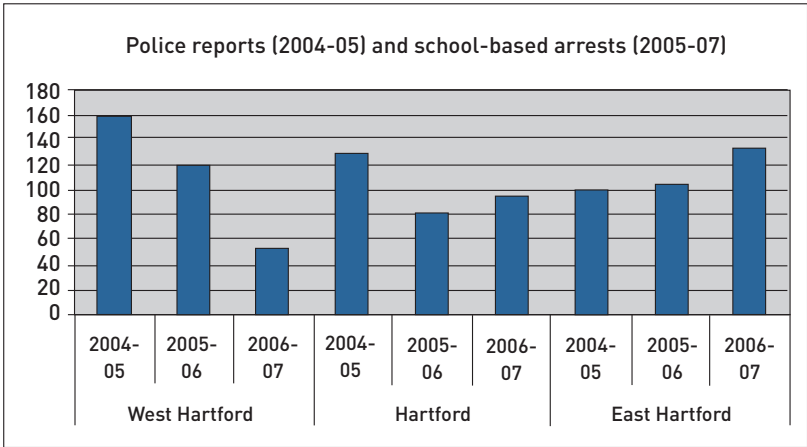
Because the ED166 data describe all disciplinary incidents, not just those that resulted in school-based arrests, it is possible to view school-based arrest rates in the context of all infractions. In all three districts, the total number of incident reports made via the ED166 form increased sharply between 2004-05 and 2005-06. This appears to have resulted from a change in the reporting protocol, rather than from a spike in misbehavior. In 2005-06, the state expanded its reporting requirements, which previously had covered only 17 offenses, including, e.g., fighting and vandalism, to include 53 incident types. The list grew again in 2006-07, to include 88 much more narrowly defined incident types, ranging from arson and stabbing to “pulling out chair from beneath individual.”

Over all three years, Hartford reported the greatest number of students involved in disciplinary incidents, both in absolute terms and relative to its student population. Between 2005-06 and 2006-07, the number of students for whom incident reports were filed dropped slightly in the two suburban districts, while rising in Hartford. The table below displays per capita ED166 reporting rates as incident reports per 1000 students.<sup>88</sup>



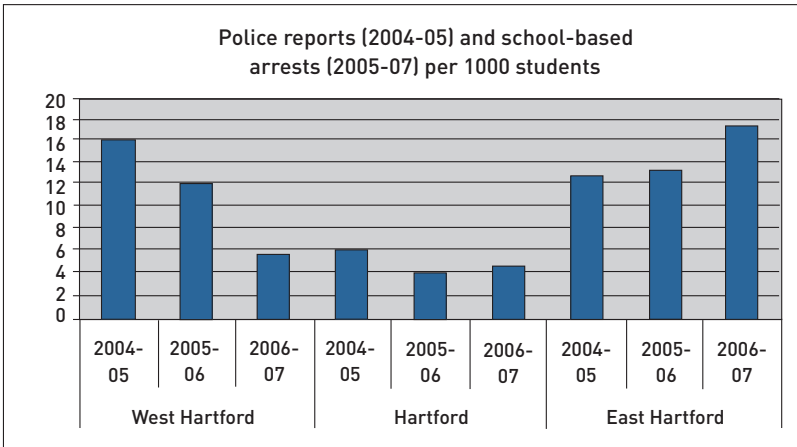
Rates of school-based arrest in the three districts display different trends. In Hartford, like the number of incident reports, the number of arrests increased slightly between 2005-06 and 2006-07, from 82 to 95. But in West Hartford, the decline in the number of arrests, from 121 to 52, was much steeper than the decline in the incident reporting rate. And in East Hartford, even as the number of incident reports fell, the number of school-based arrests rose, from 102 to 132.





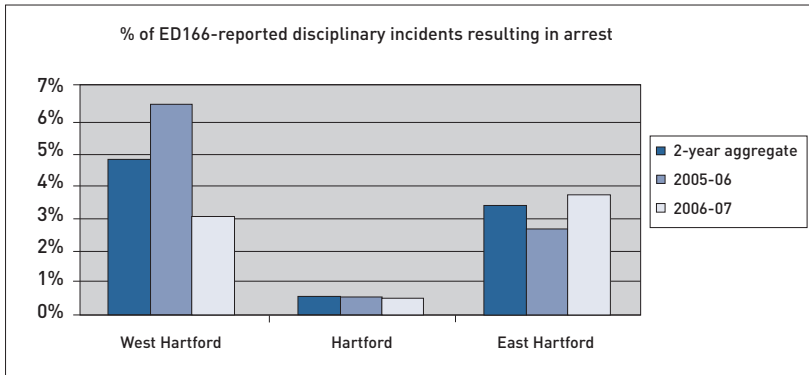
*i. East Hartford: A High and Rising School-Based Arrest Rate*

An examination of per capita rates of school-based arrest, displayed below as arrests per 1000 students, likewise indicates improvements in West Hartford and consistency in Hartford. But the data raise concerns about East Hartford, which not only had the highest per capita school-based arrest rate during the 2005-06 and 2006-07 school years, but in the latter year reported a 32 percent increase in arrests per capita.



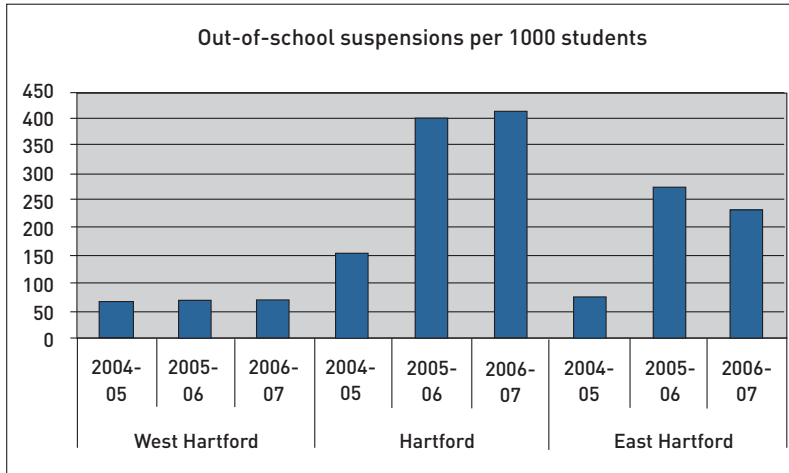
*ii. West Hartford: An Elevated Likelihood of Arrest*

West Hartford, by contrast, reported declining absolute and per capita rates of school-based arrest. Moreover, the likelihood that an ED166-reported disciplinary infraction would result in arrest decreased sharply in West Hartford between the 2005-06 and 2006-07 school years. However, over the two years for which data were available, the ratio of incident reports to arrests was still higher than in West Hartford than in either of the other districts.



iii. *Hartford: Out-of-School Suspensions, Questionable Reporting*

At first glance, the data suggest that Hartford is relying less heavily than the suburban districts on school-based arrests as a means of maintaining order. But Hartford’s arrest rates must be viewed in the context of its overall disciplinary approach. While students in Hartford may indeed be less likely to be arrested, they are much more likely to be suspended.



In 2006-07, for example, while reporting a comparatively low 95 school-based arrests, Hartford imposed 9,194 out-of-school suspensions – on a student population of just over 22,000, or approximately 412 suspensions per 1000 students. In fact, Hartford’s rate of suspension that year was the second-highest rate in the state, after Bridgeport.<sup>89</sup> Rather than deterring misbehavior, or redirecting students who otherwise might be arrested, this approach may simply push students onto the street, where arrest is more likely.<sup>90</sup> In 2007, according to the Hartford Police Department, its officers arrested 2,135 young people under the age of 18.<sup>91</sup> Available data do not indicate how many of these were school-day arrests of students who had received one of the thousands of out-of-school suspensions the Hartford school district imposed that year.

It also appears possible that Hartford school officials have understated the number of school-based arrests occurring in their schools. According to the city’s ED166 filings, during the 2005-06 and 2006-07 school years, there were 177 arrests at the three Hartford high schools, or about 89 arrests per year. But the Hartford Police Department reports that

between September 2005 and April 2008, at those same three schools, its officers made 396 arrests of people under the age of 18 – for a yearly average of 132.<sup>92</sup> The ED166 total refers only to true school-based arrests – that is, arrests occurring during the school day or at school functions – while the latter total includes all arrests of minors occurring at the addresses where the three high schools are located. Still, the discrepancy is troubling.

Another sign that the problem may be one of reporting: In a May 2006 *New York Times* article, an SRO at Hartford Public High School stated that there had been 150 felony arrests that year at his school *alone*. The same article cited a report by an SRO at Bulkeley High School that there had been 11 felony arrests that year in his building.<sup>93</sup> The total number of arrests reported by the Hartford school district via the ED166 form that year was 82. Thus, if these two officers are to be believed, the number of felony arrests at their two schools was about *double* the number of felony and misdemeanor arrests reported by Hartford school officials as having occurred at all forty of Hartford's schools put together.

#### d. Racial Disparities

Arrest of a student at school is a serious sanction, to be deployed only when necessary, and only with the greatest respect for its consequences. There is no excuse for school-based arrest practices that impact students differently depending on race. But arrest data from the Hartford-area school districts we studied suggest that such practices may indeed be in use.

Because African American and Hispanic students make up the vast majority of the student population in Hartford itself, it is not surprising that most of the students arrested at school in Hartford during the 2005-06 and 2006-07 school years were members of those groups. More surprising, and deeply troubling, are the data from the two suburban school districts, where the numbers of white, African American, Hispanic, and Asian American students are more balanced. In those districts, students of color are arrested at rates far out of proportion to their actual numbers. Moreover, the ED166 data indicate that students of color who commit certain common infractions

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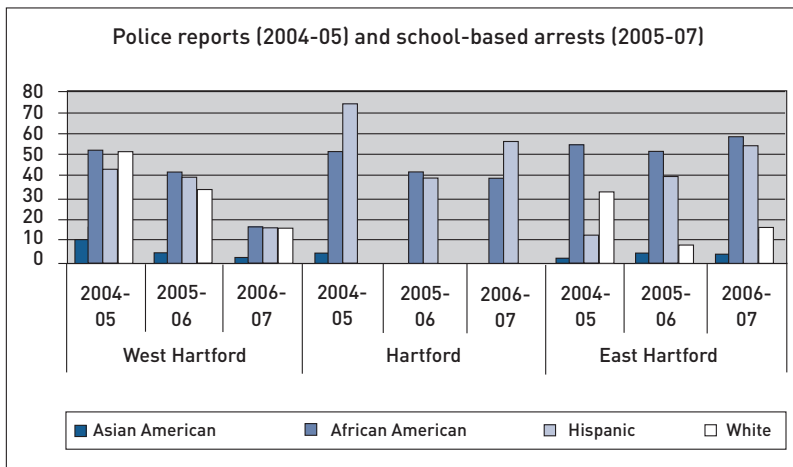
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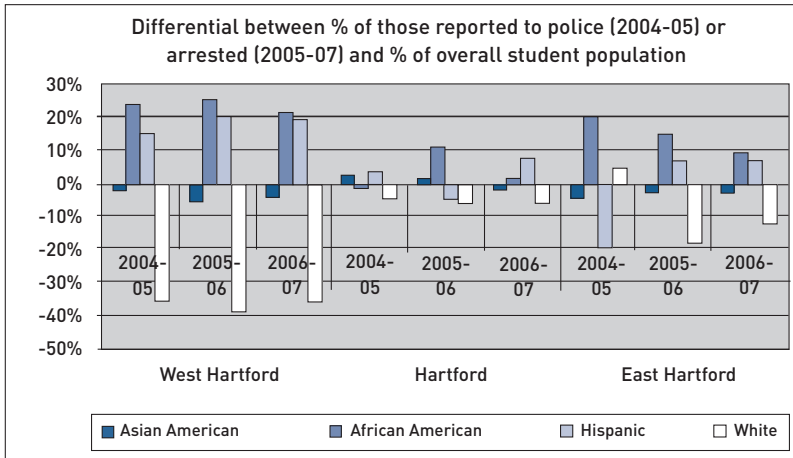
– for example, incidents involving the use of physical force, like fights, or incidents involving drugs – are more likely to be arrested than are white students committing the very same offenses.

*i. Disproportionate Impact on Students of Color*

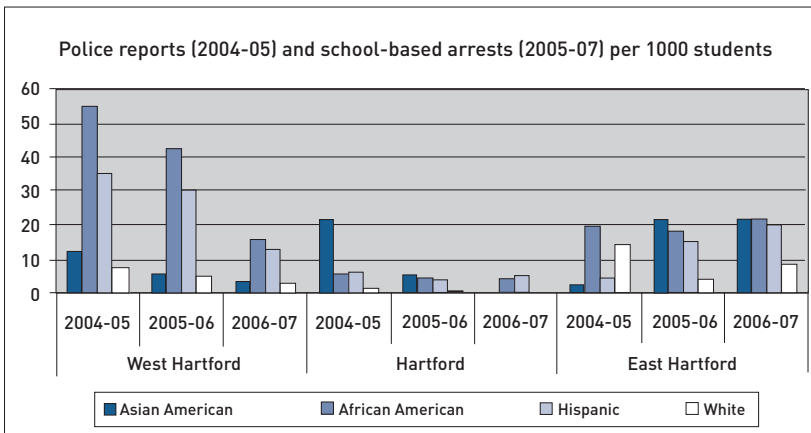
Especially in the suburban districts, school-based arrest practices impact students of color disproportionately. In West Hartford, during the 2005-06 and 2006-07 school years, African American, Hispanic, and white students were arrested in approximately equal numbers – even though white students far outnumbered African American and Hispanic students there. And in East Hartford, African American and Hispanic students were arrested in much greater numbers than were white students, even though white, African American, and Hispanic students comprised roughly equal portions of the student population.



With few exceptions, across all three districts and in both years for which school-based arrest data are available, students of color were arrested at rates disproportionate to their representation in the student population. For example, in 2006-07, in East Hartford, African American and Hispanic students together accounted for 69 percent of the overall student population, but 85 percent of school-based arrests. In the same year, in West Hartford, African American and Hispanic students together accounted for 24 percent of the population, but 63 percent of arrests. The following table displays the differential between each group's share of the student population and its share of arrests.



Also instructive are direct comparisons of the rates at which different student groups experienced arrest. For example, in West Hartford, in 2005-06, for every 1000 Hispanic students in the student population, there were 30 arrests of Hispanic students, and for every 1000 African American students, there were 43 arrests of African American students. By contrast, for every 1000 white students, there were only 5 arrests. Thus the rate of arrest among Hispanic students was 6 times higher, and that among African American students was more than 8 times higher, than the corresponding rate for white students. The next year, even as the overall rate of school-based arrest declined, similar disparities prevailed. In East Hartford, meanwhile, in both 2005-06 and 2006-07, the rates of arrest among African American and Hispanic students, per 1000 students, were roughly double the corresponding figures for white students.



## ii. *Effects and Causes*

That large numbers of students of color are arrested at school is cause for grave concern, both for communities of color and for the community at large, given the powerful negative impacts arrest and prosecution almost invariably have on a young person's life: psychological and emotional trauma; educational disruption and increased risk of dropping out;<sup>94</sup> diminished employment prospects;<sup>95</sup> and of course the threat of incarceration, with its concomitant emotional and physical dangers. Research on the impact of juvenile arrests suggests that arresting students at school actually *increases* the likelihood that those students will commit future offenses, as well as increasing the likelihood that they will be arrested and incarcerated as adults.<sup>96</sup> Thus, for some students, being arrested at school means being thrust directly into the school-to-prison pipeline.

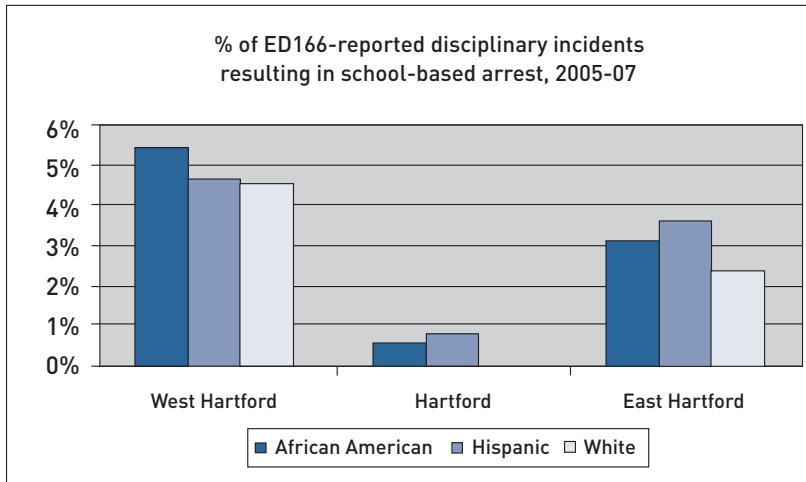
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**For some students, being arrested at school means being thrust directly into the school-to-prison pipeline.**

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But why are so many students of color arrested at school? In fact, racial disparities like these appear in jurisdictions nationwide.<sup>97</sup> And they are not ascribable simply to differences in student behavior, since they persist even when comparisons are made between students who have committed the exact same offenses.<sup>98</sup> Rather, research on this subject indicates that in some communities, such disparities result from conscious or unconscious race-based decision-making.<sup>99</sup> Available data do not permit strong conclusions about the causes of racially disparate rates of school-based arrest in the Hartford-area school districts we studied. But the existence of these research findings in other jurisdictions where such disparities exist raises serious concerns.

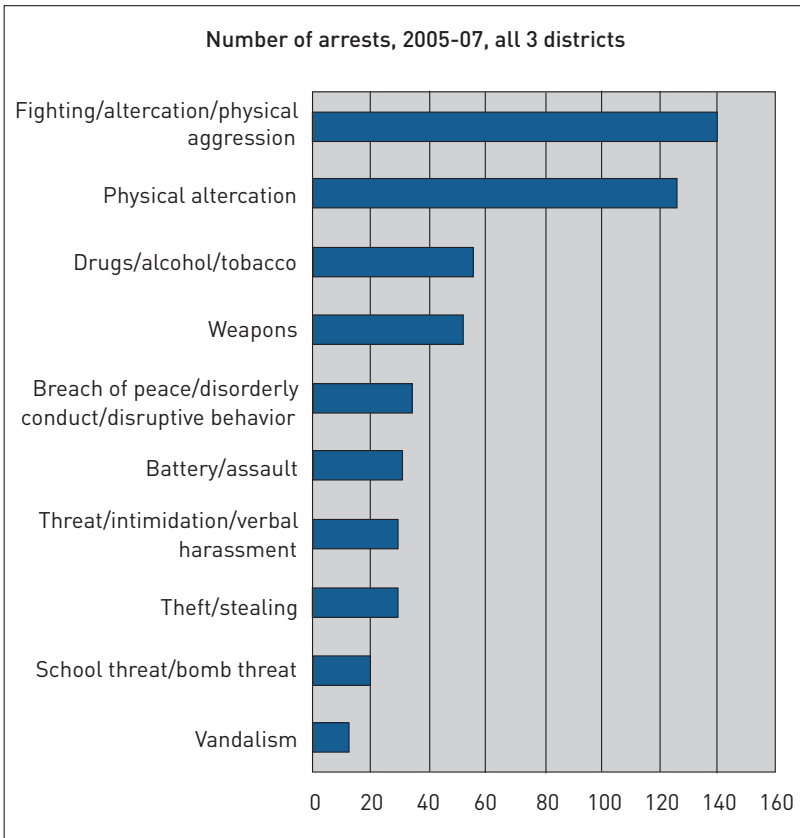
At first glance, one may be encouraged to note that in the districts we studied, during the two school years for which school-based arrest data are available, when a student was involved in a disciplinary incident resulting in an ED166 report, the race of that student appeared to have little bearing on whether that incident led ultimately to an arrest. In both West Hartford and East Hartford, the rates at which disciplinary incidents led to arrest were higher for African American and Hispanic students than for white students, but the differences were slight.<sup>100</sup>



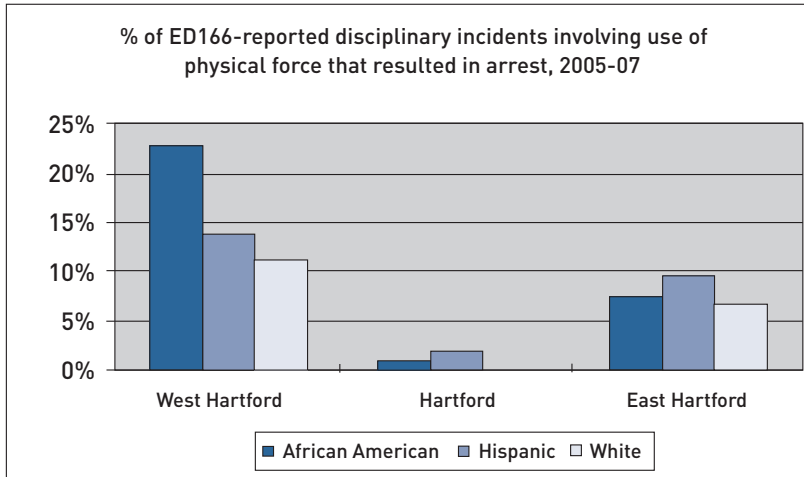
*ii. Incidents Involving Physical Force*

Unfortunately, far more dramatic disparities appear when one examines the categories of disciplinary incidents that account for the majority of the school-based arrests in the districts we studied, such as those incidents that involved the use of physical force against another person. The following table displays two-year totals, across all three districts, for the ten incident types that most often resulted in school-based arrests.





Taken together, incidents in which a student used physical force against another person – in the parlance of the ED166, this broad category includes “fighting/altercation/physical aggression,” “physical altercation,” and “battery/assault” – produced far more school-based arrests than any other type of incident. In Hartford and East Hartford, the likelihood that such an incident would produce an arrest did not appear to depend heavily or at all on the race of the offender. But the same cannot be said of West Hartford. There, both Hispanic and African American students involved in incidents of this type were more likely to be arrested than were white students committing the same offense. In fact, the rate at which African American students committing such offenses were arrested (32 arrests among 140 offenses, or an arrest rate of about 23 percent) was more than *double* the comparable rate for white students (18 arrests among 160 offenses, or an arrest rate of about 11 percent).



Disparities in the rate at which students are arrested for this type of incident are troubling not only because they account for such a large percentage of school-based arrests, but also because they may exemplify a broader trend, observed in other school districts, toward over-punishing students of color for offenses whose definition is largely subjective. No clear objective definition exists for the terms “fight,” “physical aggression,” or “physical altercation,” so the determination that a student has engaged in such conduct may require educators to exercise considerable discretion. But research suggests that educators view certain behaviors more harshly when observed in students of color than when observed in white students (e.g., a white student who talks back is cited for “insubordination,” while an African American student engaging in the same conduct is found to have engaged in “threatening.”)<sup>101</sup>

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**Hispanic and African American students involved in physical altercations were more likely to be arrested than were white students committing the same offense.**

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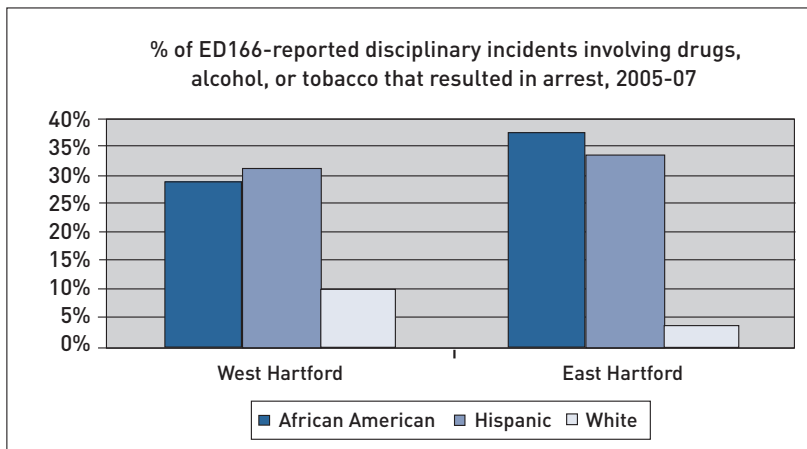
*iv. Drug/Alcohol/Tobacco Offenses*

Even more striking disparities appear when one considers the incident type that led to the second greatest number of arrests: incidents involving drugs, alcohol, or tobacco. In both suburban districts, African American and Hispanic students involved in such incidents were much more likely to be arrested than were similarly situated white students. In West Hartford, again, the arrest rate was much higher among African American students (4 arrests among 14 offenses, or about 27 percent) and Hispanic students (5 arrests among 16 offenses, or about 31 percent) than among white students (8 arrests among 82 offenses, or about 10 percent). The disparities were even starker in East Hartford, where the arrest rates for African American students (15 arrests among 40 offenses, or about 38 percent) and Hispanic students (8 arrests among 24 offenses, or about 33 percent) were *10 times higher* than the rate for white students (1 arrest among 29 offenses, or about 3 percent).

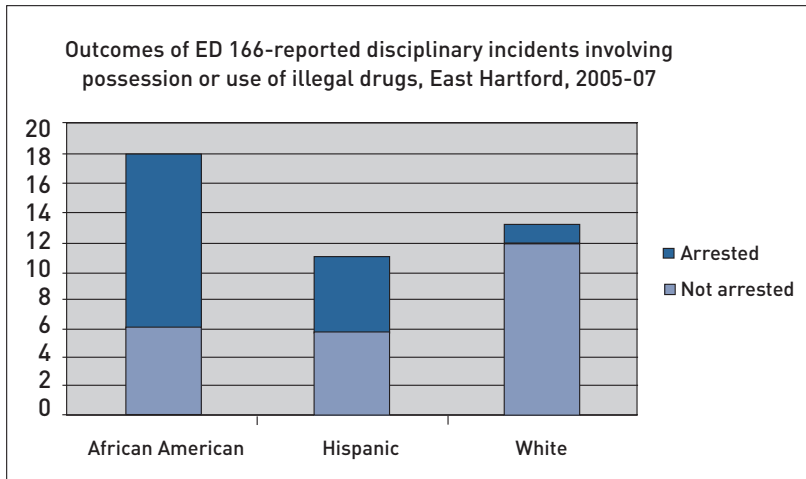
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**African American and Hispanic students committing offenses involving drugs, alcohol, or tobacco were much more likely to be arrested than were similarly situated white students.**

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Of course, the heading “drugs/alcohol/tobacco” sweeps in a variety of offenses, everything from possessing a cigarette to selling illegal drugs. If some students are punished less severely than others for offenses coded as “drugs/alcohol/tobacco,” perhaps it is because the offenses they are committing are less serious. Ruling out this possibility requires narrowing the category of offenses under consideration – in other words, considering only students who have engaged in the very same behavior. Even if one takes this approach, setting aside all offenses involving tobacco or alcohol, as well as all offenses involving the sale or attempted sale of illegal drugs, and examining only those incidents that involved illegal drug possession or use, racial disparities persist. On this analysis, the number of school-based arrests in West Hartford is too small to represent meaningfully here. But East Hartford’s arrest totals continue to suggest a problem.



In East Hartford, during the two-year period for which data are available, the arrest rate among Hispanic students (5 arrests among 11 offenders, or about 45 percent) was five times higher, and the rate among African American students (12 arrests among 18 offenders, or 67 percent) was *eight times higher*, than the corresponding rate among white students (1 arrest among 13 offenders, or about 8 percent).

### **e. Disparities Based on Disability**

Another student subgroup that often is disproportionately impacted by harsh school disciplinary tactics is students with disabilities.<sup>102</sup> In 2006–07, students with disabilities were suspended at more than twice the rate among regular education students.<sup>103</sup> SDE itself has acknowledged that in 2004–05, nearly 12 percent of special education students statewide were suspended or expelled, while for general education students, the figure was just under 6 percent.<sup>104</sup> Indeed, the same year, special education students received out-of-school suspensions at a higher rate than general education students in all three of the Hartford-area school districts we studied.<sup>105</sup>

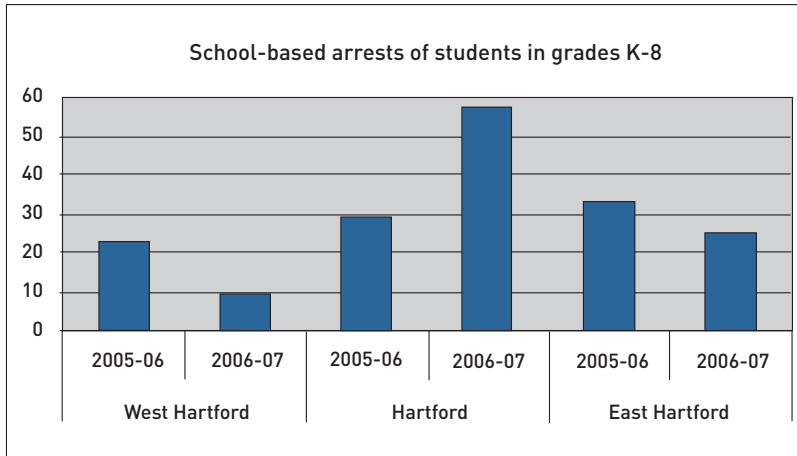
Unfortunately, as explained above, SDE declined to provide the ACLU with any information about how school-based arrest practices are affecting students with disabilities. Thus, although experience suggests it is likely that students with disabilities are arrested at school at a rate out of proportion to their representation in the overall student population, it is impossible to know for sure. SDE has offered no plausible rationale for its secrecy on this point. Privacy concerns were not in issue, since the ACLU sought no individually identifiable information. Particularly with regard to special education students, an especially vulnerable population who are at risk of being punished for the very behaviors that manifest their exceptionalities, information about the manner in which Hartford-area schools are imposing the severe sanction of school-based arrest should be readily available to the public.

### **f. Youthful Offenders**

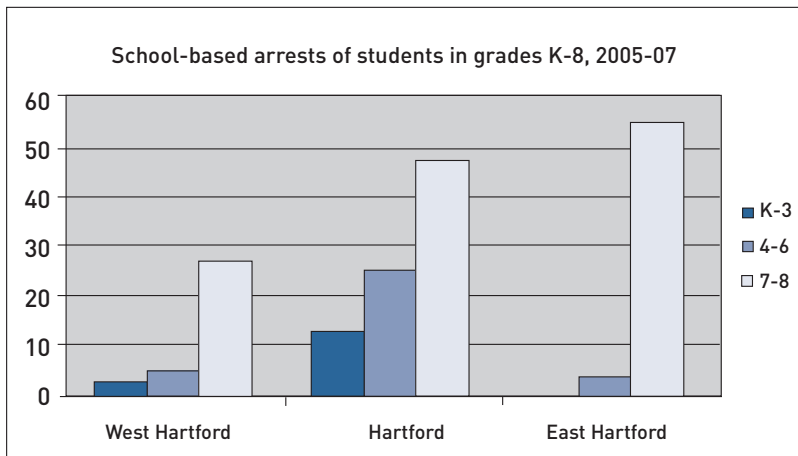
A final concern arising is the frequency with which very young students are the subject of school-based arrests. The ED166 data SDE provided do not indicate the age of the students arrested, only their grade level. Nevertheless, arrest rates for primary-grade students, and in particular for those in elementary school, indicate clearly that even very young students are being arrested in each of the three school districts we studied. As discussed above, the consequences of school-based arrest are often dire. The imposition of this sanction, in the three Hartford-area districts we studied, as a means of controlling and/or punishing the behavior of students as young as first and second grade, and even kindergarten, is difficult to comprehend.

Not surprisingly, the absolute rate of school-based arrest over two years was highest in Hartford, the largest of the three districts, where 86 primary-grade students were arrested during the 2005–06 and 2006–07 school years. Hartford's absolute arrest rate also nearly doubled in 2006–07. But the highest per capita arrest rate for primary-grade students, over

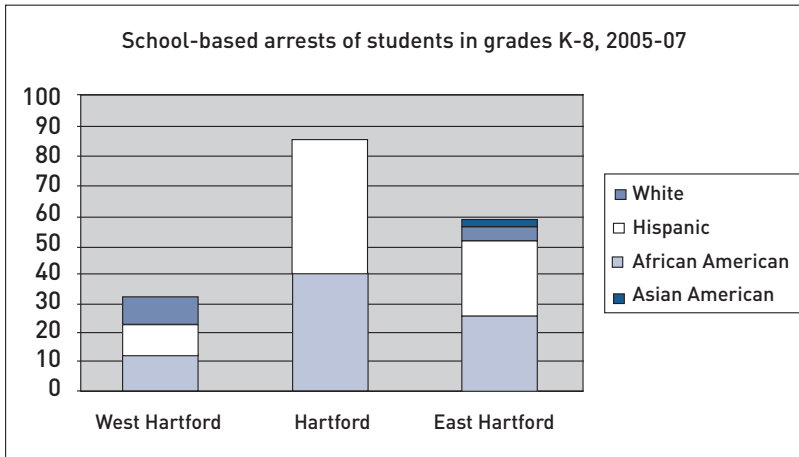
two years, was in East Hartford, where among a student population only about a third the size of Hartford's, 58 primary-grade students were arrested. Arrest rates in both East Hartford and West Hartford declined from 2005-06 to 2006-07.



Although most of the primary-grade students arrested in the three districts were in seventh or eighth grade, students in lower grades were arrested as well. The focus on junior high school was least evident in Hartford.



As with overall rates of school-based arrest, school-based arrest rates for primary-grade students were greatest among students of color. In West Hartford, where students of color are far outnumbered by white students, most of the primary grade students who were arrested were African American or Hispanic. And in East Hartford, despite more balanced demographics, only a very small minority of the primary grade students who were arrested were white. Youth, then, is no shield: the disparate impact of school-based arrest on students of color in Hartford-area schools extends even to the very youngest students.



The ED166 data do not permit detailed examinations of individual cases. But they do offer troubling glimpses. One wonders: What kind of threat did a Hispanic fifth grader in East Hartford make, during the 2006-07 school year, that required school officials to have him arrested? What could possibly have justified the arrest of two Hispanic fourth graders in West Hartford, in 2005-06, for “insubordination”? Or the arrest of two African American second graders in Hartford, the following year, one of whom was accused only of theft? Even more startling is the case of the African American first grader in Hartford who was arrested in 2006-07 for “leaving school grounds.” And perhaps most troubling of all: the decision to impose the sanction of arrest, for battery, during the 2006-07 school year, on a Hispanic kindergartner.

## V. RECOMMENDATIONS

Our goal, in preparing this report, and in offering these recommendations, has been a simple one: by improving the performance of SRO programs, and by reducing the impact of school-based arrests, to help ensure that Connecticut's public schools are safe, happy, and healthy places of learning for all the state's children. Based upon the foregoing analysis, the ACLU offers the following recommendations to Connecticut policymakers, educators, and law enforcement authorities.

### a. School Resource Officer Programs

#### i. Clarify Program Objectives

- Every SRO program should have in place formal written policies describing the objectives of the program and the rules that will govern its operation. These policies should be publicly available.
- Where school districts and local police departments operate SRO programs in partnership, they should have in place publicly available MOUs or other formal agreements clearly establishing their mutual duties.

#### ii. Ensure Adequate Training

- The substance of the policies and agreements governing each SRO program should be made known to all stakeholders, including SROs themselves, and this knowledge should be refreshed on a regular basis.
- The State of Connecticut should establish minimum standardized training requirements for SROs, including but not limited to training in counseling, mediation, child and adolescent psychology, cultural competence, and applicable legal principles.
- Local compliance with state SRO training requirements should be a precondition for receipt of law enforcement grants.



*iii. Monitor and Evaluate Performance*

- Each school district should annually assess the success of its SRO program, with particular attention to the rate and nature of school-based arrests, and publish the results of that assessment.
- The State of Connecticut should support local efforts by promulgating a detailed set of best practices for SRO program monitoring and evaluation, including a metric local districts could use in measuring the success of their SRO programs,<sup>106</sup> and by providing local officials with technical assistance.

**b. School-Based Arrests***i. Reduce Incidence and Minimize Impacts*

- School officials and other local authorities should expand preventive measures aimed at reducing the incidence of misconduct that otherwise might result in school-based arrest, e.g., positive behavioral interventions and support (“PBIS”) programs, mentoring, mental health services, substance abuse prevention, educational supports, and assistance with employment.<sup>107</sup> The state of Connecticut should expand its support for such measures through funding and technical support, as well as by requiring their implementation in school districts where arrest rates exceed acceptable levels.<sup>107</sup>
- Where misconduct does occur, school districts and police departments should employ interventions that attack the root causes of misbehavior, e.g., mediation, substance abuse counseling, and mental health services.<sup>108</sup>
- Prevention and intervention strategies should be implemented with special attention to the two types of offenses that give rise to the greatest number of school-based arrests: those involving physical force (fights, assaults, and other physical altercations); and those involving illicit substances (drugs, alcohol, or tobacco).
- Whenever possible, SROs should impose lesser sanctions, such as ticketing, rather than arresting students.

- SROs must arrest students only as a *last resort* – only where arrest is absolutely necessary to protect school safety or for the initiation of juvenile justice proceedings.
- Where there is no alternative to school-based arrest, maximum use should be made of diversion programs,<sup>109</sup> e.g., juvenile review boards.

#### *ii. Reduce Impacts on Vulnerable Populations*

- Where school-based arrests disproportionately impact students of color, or students with disabilities, school districts and local police departments must take concrete steps to determine the cause and to reduce those disparities.
- School districts and local police departments must also take concrete steps to reduce the impact of school-based arrests on very young students.
- The State of Connecticut should establish a coordinating body to oversee efforts to reduce disparities in the impact of school-based arrest. This body should collect detailed information on school-based arrest; should develop and implement strategies to address disparities, including measurable objectives; and should evaluate the progress of local and state agencies toward achieving those objectives.

#### *iii. Improve Data Collection and Transparency*

- Each school district should maintain its own database containing detailed information about school-based arrests.
- SDE should continue its existing efforts to collect data about disciplinary incidents and school-based arrests using the ED166 form, and should devote the necessary resources to ensure the accuracy of its school-based arrest data.
- SDE should continue producing publicly available annual reports on school discipline, and should expand its reporting to include information about school-based arrests. At a minimum, each school district's annual report should include the overall absolute and per capita rate of school-based arrest, as well as absolute and per capita rates of school-based arrest for each racial subgroup, students with low English proficiency, students with disabilities, and primary-grade students.

These reports also should include data on the offenses for which arrests were made. Data about any subgroup should be redacted only if the number of students in that subgroup is so small that disclosure would permit the identification of individual students.

- Except where disclosure would permit the identification of individual students, the information in SDE's database of ED166 reports should be publicly available. The Connecticut Legislature should amend C.G.S.A. § 10-10a(b) to clarify that although the entire database is not, itself, a public record, the data it contains is not subject to a blanket exemption from Connecticut's public records statute. Even if the statute is not amended, SDE should not invoke it to justify a wholesale denial to the public of access to the ED166 data it collects.

- Whenever a student is arrested at school, law enforcement or court staff should report to the school district about the disposition of that student's case. School districts should report this data to SDE, and it should be included in the ED166 database.

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## ENDNOTES

<sup>1</sup> Throughout this report, the term “school-based arrests” is used to describe arrests of public school students that occur on school grounds during the school day, on school grounds during other school-sponsored events (e.g., dances, athletic contests) or at school-sponsored events that take place off-campus.

<sup>2</sup> The ACLU also has partnered with the Yale Law School Human Rights Clinic to examine the operation of the school-to-prison pipeline in New Haven from an international human rights perspective. That analysis is the subject of a companion report.

<sup>3</sup> See Russell J. Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice* (Indiana Education Policy Center), August 2000, at 11-12, available at <http://www.indiana.edu/~safeschl/ztze.pdf>; *No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Crime Prevention* (Charles Hamilton Houston Institute for Race and Justice), March 6, 2008, at 14, available at <http://chhi.podconsulting.com/assets/documents/publications/NO%20MORE%20CHILDREN%20LEFT%20BEHIND.pdf>

<sup>4</sup> Cathy Girouard, *Fact Sheet #5: School Resource Officer Training Program* (U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention), March 2001. Girouard explains that the SRO idea “evolved during the 1950’s in Flint, [Michigan], where community policing had been implemented and police officers had become involved in schools. The concept flourished during the 1960’s and 1970’s (predominantly in Florida), then languished in the 1980’s, and did not gain momentum nationwide until the mid-1990’s.”

<sup>5</sup> Ann-Marie Adams, *Officer Walks a New Beat: Stephen Novak Serves as School Resource Officer at Illing School*, THE HARTFORD COURANT, Mar. 2, 2000.

<sup>6</sup> See James J. Strillacci, *Town Talk: Police in School*, THE HARTFORD COURANT, Mar. 10, 1994 (“The students and staff of West Hartford schools . . . are accustomed to the presence of police in their schools. Community Relations officers address classes from kindergarten through 12th grade on such topics as ‘stranger danger,’ child abuse, gangs, drug and alcohol resistance, and date rape.”); Robin Stansbury & Cynde Rodriguez, *Schools Learning Threat Response: Student Violence Has Educators Focused on Security Measures*, THE HARTFORD COURANT, May 27, 1998 (describing regular school visits by “outreach officers”).

<sup>7</sup> Liz Halloran, *Police Assigned to City High Schools: Role of Officers May Go Beyond Security*, THE HARTFORD COURANT, Aug. 19, 1994. This was not the first time Hartford had stationed police officers in its schools. The city had implemented and then discontinued a similar program two decades earlier. *Id.* SROs first appeared in East Hartford’s schools in 2001. Jim Farrell, *Officers Take School Beat in Stride: Duties Range Beyond Law Enforcement*, THE HARTFORD COURANT, Dec. 3, 2001. The town disbanded the SRO program for lack of funding in 2006, but reinstated it later the same year. Dan Uhlinger, *Resource Officer Agreement Debated*, THE HARTFORD COURANT, June 16, 2006; Dan Uhlinger, *Town Bolsters Youth Effort*, THE HARTFORD COURANT, Nov. 4, 2006. West Hartford began its SRO program in 1998. *Schools Learning Threat Response, supra.*

<sup>8</sup> Tracy Gordon Fox, *State Police Reach Out to Schools*, THE HARTFORD COURANT, July 25, 1999; Christine Dempsey, *School Officers Meet Amid Heightened Expectations*, THE HARTFORD COURANT, May 8, 1999.

<sup>9</sup> See, e.g., Michael Kolber, *Police Officer to Be Assigned to Schools*, THE HARTFORD COURANT, Aug. 18, 2000 (“Especially since the 1999 school shooting in Littleton, Colo., police have been increasing their visibility in schools.”); *Editorial: State Troopers in Schools*, THE HARTFORD COURANT, Aug. 19, 1999 (“School resource officers represent a growing trend across the nation. In part, they are a preventive response to the shootings at Columbine High School and other instances when students turned violent.”).

<sup>10</sup> Rick Green, *Fewer Firearms Showing Up in Schools, But Wary State Educators Still Preparing for Worst*, THE HARTFORD COURANT, Aug. 11, 1999. Indeed, from 1992 to 2004, the rate of serious, violent victimization was lower at school than elsewhere every single year. *Press Release: Serious Violent Crime at School Continues to Fall* (U.S. Department of Justice Bureau of Justice Statistics), December 3, 2006, available at <http://www.ojp.usdoj.gov/bjs/pub/press/iscs06pr.htm>.

<sup>11</sup> See *1999 Annual Report on School Safety* (U.S. Departments of Education and Justice), at iv, available at <http://www.ed.gov/PDFDocs/InterimAR.pdf> (“[N]otwithstanding the disturbing reports of violence in our schools, they are becoming even safer. But the fears of students, teachers and parents are real.”).

<sup>12</sup> David Lightman & Cynde Rodriguez, *Federal Funds to Boost Security in Schools*, THE HARTFORD COURANT, April 24, 1999. Likewise, for some in the town of Colchester, where town officials debated an SRO proposal a week after the shootings at Columbine, the tragedy left little room for debate. Said one school board member: “We just have to. The more presence we have in terms of partnerships with the police and the kids feeling safer – anytime we can do something like that, I think we have to.” Tracy Gordon Fox, *Making Security a Top Priority: Boards Propose Assigning Police Officer to Schools*, THE HARTFORD COURANT, Apr. 26, 1999.

<sup>13</sup> Lisa Goldberg, *Grant to Hire School Officer Is Still Within Town’s Grasp*, THE HARTFORD COURANT, Dec. 24, 1999.

<sup>14</sup> John Nickerson, *Police Expected at City High Schools*, THE ADVOCATE (Stamford), Oct. 5, 2006.

<sup>15</sup> Vanessa de la Torre, *School Officers: Cost Is Concern: Plan Was Response to Recent Arrests*, THE HARTFORD COURANT, Sept. 25, 2007.

<sup>16</sup> See, e.g., Michael Kolber, *Police Officer to Be Assigned to Schools*, THE HARTFORD COURANT, Aug. 18, 2000 (Rocky Hill); Tracy Gordon Fox, *Trooper Gets School Assignment*, THE HARTFORD COURANT, Sept. 7, 2001 (Colchester); Paul Marks, *Cafeteria Conflicts Dwindle as Officer Goes on Watch*, THE HARTFORD COURANT, Mar. 29, 2002 (Windsor Locks); Larry Smith, *Police Preparing for Changes*, THE HARTFORD COURANT, Nov. 12, 2004 (East Windsor); John Nickerson, *Police Expected at City High Schools*, THE ADVOCATE (Stamford), Oct. 5, 2006 (Norwalk); Vanessa de la Torre, *Schools to Be Officer’s Beat*, THE HARTFORD COURANT, Jan. 25, 2007 (Berlin); Kate Ramunni, *Derby High School Gets Police Officer*, CONNECTICUT POST (Bridgeport), Apr. 9, 2008 (Derby).

<sup>17</sup> *Federal Funds to Boost Security in Schools*, *supra*.

<sup>18</sup> *COPS History* (U.S. Department of Justice Office of Community Oriented Policing Services), available at <http://www.cops.usdoj.gov/Default.asp?Item=44>.

<sup>19</sup> *Ensuring School Safety* (U.S. Department of Justice Office of Community Oriented Policing Services), available at <http://www.cops.usdoj.gov/Default.asp?Item=106>.

<sup>20</sup> *Connecticut by Program: Accepted COPS Grants* (U.S. Department of Justice Community Oriented Policing Services), Sept. 21, 2004, available at [http://www.cops.usdoj.gov/pdf/Cong\\_Conf\\_Calls/Grants\\_by\\_Agency/CTga.pdf](http://www.cops.usdoj.gov/pdf/Cong_Conf_Calls/Grants_by_Agency/CTga.pdf).

<sup>21</sup> *Id.*

<sup>22</sup> *Trooper Gets School Assignment*, *supra*; *State Police Reach Out to Schools*, *supra*.

<sup>23</sup> *Editorial: The Struggle to Get Police Into Schools*, THE ADVOCATE (Stamford), May 14, 2001.

<sup>24</sup> Diane Weaver Dunne, *Policeman Connects with Schoolchildren: Middle School Resource Officer Forms a Special Bond with Area Youngsters*, THE HARTFORD COURANT, Jan. 11, 1999. In some communities, in fact, crimefighting appeared to be a secondary goal; the schools superintendent in Windsor Locks, “[w]hile allowing that some urban high schools have stationed police in the corridors to prevent fights and guard against weapons,” explained that “the purpose of having an officer at Windsor Locks High is more to deter tardiness, cutting of classes and disrespectful behavior.” Paul Marks, *Police Officer Added at High School: Goal Is to Set “Behavioral Expectations” for Students*, THE HARTFORD COURANT, Dec. 31, 2001.

<sup>25</sup> *Officers Take School Beat in Stride*, *supra*.

<sup>26</sup> See, e.g., Larry Smith, *Board Tables Request for Funds: Schools Seeking to Keep Officer*, THE HARTFORD COURANT, Aug. 18, 2004 (describing East Windsor resident’s concern that the town would cut more important municipal programs in order to fund an SRO program).

<sup>22</sup> See, e.g., Keach Hagey, *Security Plan Fuels Division at GHS*, GREENWICH TIME, Feb. 19, 2006 (describing difference of opinion among parents over stationing “armed officers,” either as SROs or as youth officers, in Greenwich schools). The plan to place SROs in Greenwich gave rise to a lively debate; one parent who opposed the plan went so far as to write his own detailed research report on the topic. See Sean B. Goldrick, *The School Resource Officer Program: A Report on the Use of Armed Police Officers on High School Campuses in Affluent Suburban Connecticut Communities* (on file with authors).

<sup>23</sup> See, e.g., Vanessa de la Torre, *Board Rejects Plan for Officers: Town Council Had Approved Funding*, THE HARTFORD COURANT, Sept. 27, 2007 (describing objections to placing SROs in Newington middle schools); Tobin A. Coleman, *School Officer Plan Gets OK*, THE ADVOCATE (Stamford), May 22, 2001 (describing opposition to placing SROs in Stamford elementary schools).

<sup>24</sup> Jim Farrell & Christine Dempsey, *School Security Concerns: Police May Take Officers Out of the Middle and High Schools*, THE HARTFORD COURANT, June 24, 2002. In the end, Mayor Larson gave the SRO program his support. *Editorial: Keeping School Officers*, THE HARTFORD COURANT, July 31, 2002.

<sup>30</sup> See, e.g., Martin Cassidy, *Parents Want Cops at School*, GREENWICH TIME, Mar. 27, 2007 (citing PTA president’s assertion that “most parents said they feel a police presence has made a positive difference”); Dan Uhlinger, *Residents Display Mixed Budget Priorities: At Hearing, Many Urge Spending Cuts, Many Say Schools Need More*, THE HARTFORD COURANT, Mar. 9, 2006 (citing parent’s view that “taking out the [SROs] would only be a detriment to students and the school”).

<sup>31</sup> See, e.g., Paul Marks, *Officer Well-Received in First Week: High School Position Tried Out Last Year*, THE HARTFORD COURANT, Mar. 14, 2003 (describing enthusiasm among school administrators about Windsor Locks SRO’s early efforts); *Policeman Connects with Schoolchildren*, *supra* (quoting school administrator’s description of new Enfield SRO as “a genuine asset”).

<sup>32</sup> See, e.g., Daniela Altamari, *Schools to Lose Resource Officer: State Police Say Redeployment of Trooper Is Temporary Measure*, THE HARTFORD COURANT, Apr. 30, 2008 (quoting Region 10 superintendent’s observation that he was “disappointed and scared for the safety and well-being of the children”); Chris Gosier, *Elementary School Resource Officers Pulled in Police Staffing Squeeze: Principals Regret “Tremendous Loss”*, THE ADVOCATE (Stamford), Nov. 19, 2006; Zach Lowe, *Five Schools Will Lose Police Officers*, THE ADVOCATE (Stamford), Apr. 7, 2005 (noting principal was “furious” upon hearing her school would lose its SRO).

<sup>33</sup> *Editorial: State Troopers in Schools*, *supra*. See also *Editorial: Approve School Officers*, THE HARTFORD COURANT, Apr. 21, 2004 (supporting adoption of SRO programs in East Windsor and Suffield); *Editorial: Keep Police in*

*Schools*, THE HARTFORD COURANT, July 1, 2002 (urging retention of East Hartford SRO program); *Editorial: Invest in Resource Officers*, THE HARTFORD COURANT, Feb. 24, 2000 (supporting SRO proposals in Ellington, Stafford, and Somers).

<sup>34</sup> *COPS in Schools Grant Owner's Manual* (U.S. Department of Justice Community Oriented Policing Services), Sept. 2003, at 8, available at <http://www.cops.usdoj.gov/files/RIC/Publications/e08032040.pdf>.

<sup>35</sup> See, e.g., *Officers Take School Beat in Stride*, *supra* (noting that under the old approach, although “[p]olice have been at the middle school through the years,” “their mission has been ill-defined, their presence sometimes sporadic,” and that introducing SROs “means that there will be no such inconsistency for the next few years.”). The federal CIS grant program helped encourage this continuity by requiring that the SROs it funded spend a minimum of 75 percent of their time in the schools they served. *COPS in Schools Grant Owner's Manual*, *supra*, at 9.

<sup>36</sup> See, e.g., Matt Burgard, *Trooper Devoted to Youth Program: He Sees Himself in Those He Now Helps*, THE HARTFORD COURANT, May 28, 2001; James O’Keefe, *Resource Officer Aims to Guide Young Lives*, THE ADVOCATE (Stamford), May 6, 2001 (“[SRO] Paul DeRiu said the most rewarding part of his job is being able to make a difference in children’s lives.”); Josh Kovne, *New Approach to School Violence*, THE HARTFORD COURANT, May 7, 1999 (“[SRO] Frances Watson has sometimes found herself to be the only steady influence in a troubled student’s life.”).

<sup>37</sup> Vanessa de la Torre, *Teen Guilty in Bomb Case*, THE HARTFORD COURANT, November 16, 2007. See also Vanessa de la Torre, *Seven Students Charged in Drug Case*, THE HARTFORD COURANT, Feb. 26, 2008 (Berlin SRO assisted in investigation that led to drug arrests); Zach Lowe, *Police Find Knives on 2 Boys After Fight in School*, THE ADVOCATE (Stamford), Mar. 19, 2005 (Stamford SRO disarmed two students after fight); James O’Keefe, *5 Juveniles Arrested in Attempted Robbery*, THE ADVOCATE (Stamford), July 12, 2001 (Stamford SRO pursued would-be robbers).

<sup>38</sup> Daniela Altimari, *Student Problems Decline: Fewer Disciplinary Actions at MHS*, THE HARTFORD COURANT, July 15, 2006 (crediting appointment of Middletown SRO with reductions in suspension and expulsion rates); Paul Marks, *Cafeteria Conflicts Dwindle as Officer Goes on Watch*, THE HARTFORD COURANT, Mar. 29, 2002 (crediting Windsor Locks SRO with a drop in “lunch-hour rowdiness”); Christine Dempsey, *Statistics Reveal Significant Decline in Serious Crime*, THE HARTFORD COURANT, Feb. 27, 2002 (crediting East Hartford SRO program, among other initiatives, for drop in crime citywide); Carolyn Moreau, *Police Officer Welcomed at School*, THE HARTFORD COURANT, June 12, 1998 (crediting Southington SRO with a drop in the number of thefts at school).

<sup>39</sup> *Editorial: Grant Offers Opportunity*, THE HARTFORD COURANT, Nov. 13, 2002.

<sup>40</sup> Kimberly W. Moy, *Board Studying Role of Police in School*, THE HARTFORD COURANT, July 13, 2001.

<sup>41</sup> Martin Cassidy, *2 GHS Students Charged in Prank, Face Expulsion*, GREENWICH TIME, Nov. 10, 2007.

<sup>42</sup> Robin Watson, *Taser Used 3 Times on Student in Greenwich*, THE ADVOCATE (Stamford), May 17, 2008.

<sup>43</sup> Richard Weizel, *Teen Faces Charge He Assaulted Cop*, CONNECTICUT POST (Bridgeport), May 18, 2007.

<sup>44</sup> Eve Sullivan, *Police Officer Gets Probation, Quits City Force: Was Charged with Molesting Students*, THE ADVOCATE (Stamford), May 25, 2004.

<sup>45</sup> 68 Fed. Reg. 20,030 (Apr. 23, 2003).

<sup>46</sup> Peter Finn, et al., *Comparison of Program Activities and Lessons Learned Among 19 School Resource Officer (SRO) Programs*, Feb. 28, 2005, at 23, available at [http://www.ncdjjdp.org/cpsv/pdf\\_files/SRO\\_Natl\\_Survey.pdf](http://www.ncdjjdp.org/cpsv/pdf_files/SRO_Natl_Survey.pdf).

<sup>47</sup> *Id.* at 33.

<sup>48</sup> *Id.*

<sup>49</sup> Interview with Hartford SRO, Dec. 5, 2007; Interview with Hartford SRO, Nov. 7, 2007.

<sup>50</sup> Interview with Hartford SRO, Dec. 4, 2007.

<sup>51</sup> Interview with Hartford SRO, Nov. 27, 2007.

<sup>52</sup> Interview with West Hartford SRO, Nov. 7, 2007; Interview with West Hartford high school principal, Nov. 20, 2007.

<sup>53</sup> Email from Kimberly Boneham, Assistant Corporation Council, Town of West Hartford, to Jamie Dycus, Liman Fellow, ACLU, Aug. 27, 2008.

<sup>54</sup> *East Hartford Police Department School Resource Officers' Program Agreement for the 2006-2007 School Year* (East Hartford Police Department), October 17, 2006, at 3, 5 [hereinafter "Program Agreement"].

<sup>55</sup> Interview with East Hartford SRO, Nov. 30, 2007.

<sup>56</sup> *East Hartford Police Department School Resource Officer Program Operations Plan* (East Hartford Police Department), 2006-07 [hereinafter "Operations Plan"].

<sup>57</sup> The MOU was adopted as a condition of reinstating the SRO program following a brief hiatus that resulted from budgetary pressures. *Panels Close to Agreement on Officers, supra*.

<sup>58</sup> Program Agreement at 5, 9.

<sup>59</sup> *Id.*

<sup>60</sup> Operations Plan at 1.

<sup>61</sup> Program Agreement at 3.

<sup>62</sup> Interview with East Hartford SRO, Nov. 28, 2007.

<sup>63</sup> Cynde Rodriguez, *Working a Different Kind of Beat: Officer's Impact Felt at NBHS*, THE HARTFORD COURANT, June 21, 1998.

<sup>64</sup> See Finn, *supra*, at 48.

<sup>65</sup> Katie Melone & Fulvio Cativo, *Police Role in School Discipline Still Evolving*, THE HARTFORD COURANT, July 2, 2006.



<sup>66</sup> See Finn, *supra*, at 50.

<sup>67</sup> *Fact Sheet: The COPS Commitment to School Safety* (U.S. Department of Justice Community Oriented Policing Services), Aug. 10, 2005, available at <http://www.cops.usdoj.gov/files/RIC/Publications/e09042494.PDF>.

<sup>68</sup> *COPS in Schools Grant Owner's Manual, supra*, at 5.

<sup>69</sup> *Id.* at 12.

<sup>70</sup> See Finn, *supra*, at 47 (explaining the importance of various forms of SRO training).

<sup>71</sup> Interview with Detective Jeff Glaude, West Hartford Police Department, Jan. 11, 2008.

<sup>72</sup> Email from Kimberly Boneham, Assistant Corporation Council, Town of West Hartford, to Jamie Dycus, Liman Fellow, ACLU, July 18, 2008.

<sup>73</sup> Program Agreement at 9.

<sup>74</sup> Interview with East Hartford SRO, Nov. 30, 2007.

<sup>75</sup> See Finn, *supra*, at 98 (explaining why program evaluation is essential).

<sup>76</sup> Tammy Rinehart Kochel et al., *SRO Performance Evaluation: A Guide to Getting Results* (U.S. Department of Justice Community Oriented Policing Services), 2005, at 1, available at <http://www.copsinschools.org/Downloads/SROGuide.pdf>.

<sup>77</sup> *COPS in Schools Grant Owner's Manual, supra*, at 37.

<sup>78</sup> Conn. Gen. Stat. Ann. § 10-233h.

<sup>79</sup> Conn. Gen. Stat. Ann. § 10-10a. The requirement also applies to incidents that occur off-campus at school-sponsored events. In some cases, Connecticut schools file ED166 reports where students are disciplined for incidents that occur off-campus and *not* during school-sponsored events – e.g., where school officials learn that a student has assaulted another student on a Saturday night, and suspend him the following Monday. But such cases are rare.

<sup>80</sup> Telephone conversation with Milly Agosto, Labor Relations Specialist, Hartford Board of Education, Mar. 6, 2008.

<sup>81</sup> Letter from James Strillacci, Chief of Police, West Hartford Police Department, to Deborah Noble, Legal Administrator, ACLU of Connecticut, Feb. 29, 2008.

<sup>82</sup> Telephone conversation with Kimberly Boneham, Assistant Corporation Council, Town of West Hartford, Mar. 6, 2008.

<sup>83</sup> Program Agreement at 5-6.

<sup>84</sup> Interview with Geoffrey L. Scales, Juvenile Probation Supervisor, Court Services Support Division, State of Connecticut, Aug. 7, 2007.

<sup>85</sup> *The Connecticut Juvenile Justice Strategic Plan: Building Toward a Better Future* (Child Welfare League for Department of Children and Families and Court Support Services Division), Aug. 2006, at 10, available at [http://www.ct.gov/dcf/lib/dcf/juvenile\\_services/pdf/strategic\\_plan.pdf](http://www.ct.gov/dcf/lib/dcf/juvenile_services/pdf/strategic_plan.pdf).

<sup>86</sup> The reports, along with additional information about ED166 reporting, are available online at <http://www.csde.state.ct.us/public/cedar/cedar/discipline/0607.htm>.

<sup>87</sup> The General Assembly passed C.G.S.A. § 10-10a “instructing the Department of Education to develop and implement a state-wide public school information system (PSIS)” which “effectively changed Connecticut’s education data collection” and consolidated the number of SDE data collection forms required for reporting. Thomas S. Sergi, Circular Letter C-11 (Connecticut State Department of Education), August 26, 2003, available at <http://www.sde.ct.gov/sde/lib/sde/pdf/circ/circ03-04/c11.pdf>. C.G.S.A. § 10-10a(b) exempts this database from being considered a public record “for the purposes of section 1-210 [the state’s freedom of information statute].”

<sup>88</sup> Note that this table does not describe the number of incidents, but rather the number of incident reports. School officials are instructed to file a separate ED166 form for each student involved in a disciplinary incident. Thus a single incident may generate several reports.

<sup>89</sup> Taby Ali & Alexandra Dufresne, Connecticut Voices for Children, *Missing Out: Suspending Students from Connecticut Schools*, August 2008, at 18, available at <http://www.ctkidslink.org/publications/edu08missingout.pdf>.

<sup>90</sup> See American Academy of Pediatrics, Committee on School Health, *Policy Statement: Out-of-School Suspension and Expulsion*, PEDIATRICS, Vol. 112 (Nov. 2003), at 1206, available at <http://pediatrics.aappublications.org/cgi/content/full/112/5/1206> (“Without the services of trained professionals (such as pediatricians, mental health professionals, and school counselors) and without a parent at home during the day, students with out-of-school suspensions and expulsions are far more likely to commit crimes.”); *Missing Out, supra*, at 4 (“Suspensions may increase the risk of involvement in the juvenile justice system, as children and youth who are sent home from school often remain unsupervised when their parents work.”).

<sup>91</sup> Facsimile from Detective Ursula Wiebusch, Hartford Police Department, to Jamie Dycus, Liman Fellow, ACLU, Apr. 4, 2008.

<sup>92</sup> Letter from Daryl K. Roberts, Chief of Police, Hartford Police Department, to Jamie Dycus, Liman Fellow, ACLU, Apr. 15, 2008.

<sup>93</sup> Abigail Sullivan Moore, *#E@!!!? Persists in Schools Despite Fines*, NEW YORK TIMES, May 14, 2006.

<sup>94</sup> See Tara M. Brown, *Lost and Turned Out: Academic, Social and Emotional Experiences of Students Excluded From School*, URBAN EDUCATION, Vol. 42, September 2007, at 466 (explaining that excluding students from school caused them “to fall behind in their schoolwork, to fail classes, and to be kept back”).

<sup>95</sup> See Jeff Grogger, *Arrests, Persistent Youth Joblessness, and Black/White Employment Differentials*, REVIEW OF ECONOMICS & STATISTICS, vol. 74, February 1992, at 105-106 (finding that past arrests affect current employment probabilities in the youth labor market); Spencer De Li, *Social Control, Delinquency, and Youth Status Achievement: A Developmental Approach*, SOCIOLOGICAL PERSPECTIVES, vol. 42, 1999, at 316 (finding that conviction at an early age tends to increase unemployment).

<sup>96</sup> See Terence P. Thornberry, David Huizinga & Rolf Loeber, *The Causes and Correlates Studies: Findings and Policy Implications*, JUVENILE JUSTICE JOURNAL, vol. 9, No. 1, September 2004, available at

<http://www.ncjrs.gov/html/ojjdp/203555/jj2.html> (observing that “in general, arrest has little impact on subsequent delinquent behavior, and when it does have an impact, it is most likely an increase in future delinquent behavior. . . . In addition, those who are arrested and incarcerated as juveniles are substantially more likely to be incarcerated as adults.”) (citations omitted); Johanna Wald & Daniel Losen, *Defining and Redirecting a School-To-Prison Pipeline*, May 16, 2003, at 3 (“The single largest predictor of subsequent arrest among adolescent females is having been suspended, expelled or held back during the middle school years.”).

<sup>97</sup> See C. Puzzanchera & B. Adams, *National Disproportionate Minority Contact Databook* (National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention), 2008, available at <http://ojjdp.ncjrs.gov/ojstatbb/dmcd/b/> (documenting disproportionate rate of arrest among young people of color); *And Justice for Some: Differential Treatment of Youth of Color in the Justice System* (National Council on Crime and Delinquency) January 2007, at 1, available at [http://www.nccd-crc.org/nccd/pubs/2007jan\\_justice\\_for\\_some.pdf](http://www.nccd-crc.org/nccd/pubs/2007jan_justice_for_some.pdf) (noting that in 2004, “African American youth were disproportionately arrested in 26 of 29 offense categories documented by the FBI”); *Education on Lockdown: The Schoolhouse to Jailhouse Track* (Advancement Project) March 24, 2005, at 18, available at <http://www.advancementproject.org/reports/EOLzerotol.pdf> (noting that in 2002, “Black youths made up 16% of the juvenile population but were 43% of juvenile arrests, while White youths were 78% of the juvenile population but 55% of juvenile arrests”).

<sup>98</sup> See *No More Children Left Behind Bars*, *supra*, at 14 (observing that “Black youths with no prior criminal records were six times, and Latino youths three times, more likely to be incarcerated than whites for the same offenses.”).

<sup>99</sup> See *id.* (“There is also growing evidence that racial bias—even implicit, unacknowledged, or unconscious—plays a large role in decisions and judgments made routinely by powerful actors within the criminal justice system.”).

<sup>100</sup> Note that the absence of a bar for white students in Hartford does not indicate that no such students were involved in disciplinary incidents. Rather, it reflects the fact that although white students were involved in 575 disciplinary incidents in Hartford’s public schools during the two-year period, not a single white student was arrested at school in Hartford during that time. Also, although this table does not include Asian American students, because the number of incidents involving those students was very small, some of those students were arrested at school. In fact, the ratio of arrests to incidents was higher for Asian American students than for any other group.

<sup>101</sup> See Russell Skiba, *et al.*, *Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations* (American Psychological Association Zero Tolerance Task Force), February 1, 2006, at 6 (“African American students may be disciplined more severely for less serious and more subjective reasons. Emerging professional opinion and qualitative research findings suggest that the disproportionate discipline of students of color may be due to lack of teacher preparation in classroom management or cultural competence.”); *Sherpell v. Humnoke Sch. Dist. No. 5 of Lonoke County*, 619 F.Supp.670, 677 (E.D.Ark. 1985) (concluding that the subjective elements of a school’s discipline code were pretextual and designed to mask racial bias); *Hawkins v. Coleman*, 376 F.Supp. 1330, 1336 (N.D.Tex. 1974) (noting that cultural differences lead white teachers to perceive conduct by non-white students as hostile or disruptive).

<sup>102</sup> See Pam Stehnmj, *Issue Brief: Youth With Disabilities in the Juvenile Justice System: Prevention and Intervention Strategies* (National Center on Education and Transition) February 2005, available at [http://www.edjj.org/Publications/NCSETIssueBrief\\_4.1.pdf](http://www.edjj.org/Publications/NCSETIssueBrief_4.1.pdf) (noting that “[i]n 2000, the Office of Special Education Programs (OSEP) reported the prevalence of disabilities among schoolage children in the United States as 9%, compared with a conservative estimate of 32% within the juvenile justice system.”).

<sup>103</sup> *Missing Out*, *supra*, at 16.

<sup>104</sup> Powerpoint presentation: *Examining Connecticut's Disciplinary Offense Data* (Connecticut State Department of Education), available at <http://www.sde.ct.gov/sde/lib/sde/PowerPointPresentations/DEPS/FMconference.ppt>.

<sup>105</sup> *Id.*

<sup>106</sup> The Connecticut Juvenile Justice Advisory Committee has provided some guidance on monitoring and evaluation, see *Children, Youth, and the Police: Recommended Policies and Procedures* (Connecticut Juvenile Justice Advisory Committee), 2006, at 19-20, 84, available at <http://www.ct.gov/opm/lib/opm/CJPPD/Cjlyyd/JjydPublications/ChildrenYouthPoliceManual2006.doc>, but a more robust model, together with technical assistance to help local officials implement it, is needed.

<sup>107</sup> For a discussion of the need for educational and vocational supports, see *Final Report* (Connecticut Juvenile Jurisdiction Planning and Implementation Committee) February 12, 2007, at 13, available at <http://www.campaigntoyouthjustice.org/Downloads/StateReportsArticles/CTJuvenileJurisdiction.PDF> [hereinafter JJPIC Final Report].

<sup>108</sup> The availability of appropriate mental health services is an especially important element of any strategy for assisting youth at risk of involvement with the juvenile justice system, given that between 65 and 70 percent of youth in the juvenile justice system have a diagnosable mental disorder. Kathleen R. Skowrya & Joseph J. Cocozza, *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* (National Center for Mental Health and Juvenile Justice) January 2006, at 1, available at <http://www.ncmhij.com/Blueprint/pdfs/Blueprint.pdf>.

<sup>109</sup> For a discussion of the importance of diversion, see JJPIC Final Report, *supra*, at 7-8.

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