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DISRUPTING THE SCHOOL-TO-PRISON PIPELINE:
REFORMING THE ROLE OF THE SCHOOL RESOURCE
OFFICER

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ABSTRACT

A School Resource Officer (“SRO”) is a law enforcement officer employed by local law enforcement agencies to provide security to public schools. As a result of fatal and highly publicized school shootings such as Columbine and Parkland, SROs have become a fixed aspect of many school communities. There are tens of thousands of SROs patrolling the halls of Virginia’s public elementary and secondary schools every year. Despite their intended purpose to keep students safe and prevent crime, SROs too often contribute to the school-to-prison pipeline. When SROs are brought into the classroom to address “disruptive” behaviors, students are at an increased risk of being pushed out of school and into the criminal justice system. Overreliance on SROs and referrals to law enforcement to handle disruptive classroom behavior, arguably typical adolescent behavior, affects all students and risks their exposure to the school-to-prison pipeline. There has long been demands to remove police from school, and this movement was reignited in the summer of 2020 in the wake of mass protests against law enforcement. Many localities, including several in Virginia, decided unanimously to end their contracts with law enforcement, though thousands of SROs remain stationed in schools across the country. This paper proposes several reforms to the role of the SRO to reduce the risk that a student’s encounter with an SRO will introduce them into the school-to-prison pipeline. Suggested reformatations include prohibiting SROs from carrying weapons; revising policies to limit SRO involvement in routine disciplinary matters; and ensuring appropriate training to create positive interactions between students and their SROs.

INTRODUCTION

In 2015, a school resource officer (“SRO”) at Spring Valley High School in South Carolina was called to respond to a “disruptive student” who was refusing to relinquish her cell phone.¹ The incident began when the student was using her phone during math class and escalated when she did not comply with instructions to leave the classroom.² Senior Deputy Ben Fields, an SRO, was called in to “deal with her.”³ A fellow student recorded the encounter between the young girl and the SRO.⁴ The video footage shows the SRO telling the student to leave her seat or he would forcibly remove her.⁵

¹ *Deputy Who Tossed a S.C. High School Student Won’t Be Charged*, N.Y. TIMES (Sept. 2, 2016), <https://www.nytimes.com/2016/09/03/afternoonupdate/deputy-who-tossed-a-sc-high-school-student-wont-be-charged.html>.

² Jenny Jarvie, *Girl thrown from desk didn’t obey because the punishment was unfair, attorney says*, L.A. TIMES (Oct. 29, 2015), <https://www.latimes.com/nation/la-na-girl-thrown-punishment-unfair-20151029-story.html>.

³ *Id.*

⁴ See *Deputy Who Tossed a S.C. High School Student Won’t Be Charged*, *supra* note 1.

⁵ *Id.*

The officer then wrapped his forearm around her neck, flipped her to the floor, and dragged her across the classroom.⁶ Finally, the officer handcuffed the student and arrested her for disturbing the school.⁷ This incident is extreme but not isolated, and illustrates the issues with the current role of the SROs and the necessity for reforms.

The aggressive and unnecessary encounter at Spring Valley High School sparked a national discussion about race, discipline, and the role of law enforcement in schools,⁸ a conversation that continues today, six years later.⁹ In the summer of 2020, there was a mass push for police reforms,¹⁰ including calls to remove police from schools.¹¹ Though police are thought to be present in schools to ensure safety, often they pose a threat to the wellbeing of the students and the school community: “When in schools, police do what they are trained to do—detain, handcuff, and arrest. This leads to greater student alienation and a poorer school climate.”¹²

When SROs are brought into the classroom to address “disruptive” behaviors, students are at risk of being suspended, expelled, or arrested, all of which can ultimately lead to students’ first contact with the criminal justice system.¹³ This trend is known as the school-to-prison pipeline, which refers to “directly referring students to law enforcement for committing certain offenses at school or creating conditions under which students are more likely to become involved in the criminal justice system, such as excluding them from school.”¹⁴ Rather than school educators handling disciplinary or

⁶ Jarvie, *supra* note 2.

⁷ *Deputy Who Tossed a S.C. High School Student Won’t Be Charged*, *supra* note 1 (noting that the student who recorded the confrontation was also arrested and charged with “disturbing schools”).

⁸ Kat Chow, *Two Years After A Violent Altercation At A S.C. High School, Has Anything Changed?*, NPR (Oct. 24, 2017), <https://www.npr.org/sections/ed/2017/10/07/548510200/what-s-changed-in-south-carolina-schools-since-violent-student-arrest>.

⁹ See, e.g., Eder Campuzano, *Portland superintendent says he’s ‘discontinuing’ presence of armed police officers in schools*, OREGONIAN: OREGONLIVE (June 5, 2020), <https://www.oregonlive.com/education/2020/06/portland-superintendent-says-hes-discontinuing-school-resource-officer-program.html>.

¹⁰ See, e.g., JP Keenan & Ivan Pereira, *Advocates push for police reform after summer of unrest*, ABCNews (Oct. 1, 2020), <https://abcnews.go.com/US/advocates-push-police-reform-summer-unrest/story?id=73104051> (“There have been calls to disband or reorganize departments, ban controversial tactics like chokeholds and invest more funding in non-law enforcement interventions amid growing anger over the disproportionate negative impact policing has on people of color.”).

¹¹ See, e.g., Danae King, *Hundreds call for the end of police presence in Columbus City Schools*, COLUMBUS DISPATCH (June 9, 2020), <https://www.dispatch.com/news/20200609/hundreds-call-for-end-of-police-presence-in-columbus-city-schools>.

¹² AMIR WHITAKER ET AL., *COPS AND NO COUNSELORS: HOW THE LACK OF SCHOOL MENTAL HEALTH STAFF IS HARMING STUDENTS 4* (2019), <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

¹³ Libby Nelson & Dara Lind, *The school to prison pipeline, explained*, JUST. POL’Y INST. 1, 2 (Feb. 24, 2015), www.justicepolicy.org/news/8775.

¹⁴ Jason P. Nance, *Dismantling the School-to-Prison Pipeline: Tools for Change*, 48 ARIZ. ST. L.J. 313, 313 (2016).

behavioral issues, these matters are often passed to SROs.¹⁵ “Efforts to increase school safety have led to districts placing more police in schools, resulting in a punitive system of school discipline that disproportionately impacts black students.”¹⁶ Overreliance on SROs and referrals to law enforcement affects all students and risks their exposure to the school-to-prison pipeline.

Part I of this article will discuss the history of the SRO role. Part II will consider how school resource officers contribute to the school-to-prison pipeline. Part III will explore the movement to remove police from schools, most notably the push for reforms in the last year. Lastly, Part IV will suggest three ways to reform the SRO role to prevent the criminalization of typical adolescent misbehavior and disrupt the school-to-prison pipeline.

I. THE ORIGIN OF THE SCHOOL RESOURCE OFFICER

An SRO is a “certified law-enforcement officer hired by a local law enforcement agency to provide law-enforcement and security services to . . . public elementary and secondary schools.”¹⁷ In 2016, an estimated 52,100 SROs patrolled the hallways of American public schools, up from the 34,000 officers present in schools in 2003.¹⁸ SROs became more prevalent in schools to prevent school shootings in the 2000s, but now they use their position of authority to criminalize disruptive classroom behavior rather than prevent school emergencies.¹⁹ Students of color are disproportionately criminalized by SROs for their “disruptive behavior” compared to their white classmates—seventy percent of all students arrested by SROs are Black or Latino.²⁰ Due to the racial disparity in student discipline, students of color are more likely to be arrested and subjected to the school-to-prison pipeline.²¹

¹⁵ Nelson & Lind, *supra* note 13, at 3.

¹⁶ Lauren Camera, *The End of Police in Schools*, U.S. NEWS (June 12, 2020), <https://www.usnews.com/news/the-report/articles/2020-06-12/schools-districts-end-contracts-with-police-amid-ongoing-protests>.

¹⁷ VA. CODE ANN. § 9.1-101 (2020).

¹⁸ Yi-Jin Yu, *School resource officers: What are they and are they necessary?*, TODAY (June 19, 2020), <https://www.today.com/tmrw/what-school-resource-officer-t184614>; *School Survey on Crime and Safety*, NAT'L CTR. FOR EDUC. STATS. (2016), https://nces.ed.gov/surveys/ssocs/tables/tab_my01_2016_all.asp. The 52,100 figure includes both full-time and part-time SROs.

¹⁹ Jordan Pineda, *Opinion: Remove School Resource Officers from CMS*, QUEEN CITY NERVE (June 22, 2020), <https://qcnerve.com/opinion-remove-school-resource-officers-from-cms/>.

²⁰ *See More Cops In Schools Won't Keep Kids Safe*, HARVARD C.R.-C.L. L. REV. (Feb. 28, 2018), <https://harvardcrcl.org/more-cops-in-schools-wont-keep-kids-safe/>.

²¹ *See id.*

The first SROs were introduced in 1953 in Flint, Michigan to improve the relationship between police and youth.²² In time, SRO programs spread to other localities, and by 1972, school districts in forty states had police in schools.²³ The growth and increased reliance on SROs in the 1950s and 60s was indicative of the states' desire to suppress student-led movements against inequality and racial discrimination.²⁴ Student protests were often met with "displays of police power intended to suppress and delegitimize the movement."²⁵ Law enforcement was also used to stifle movements against school segregation.²⁶ Student-led protests and walk-outs led to police confrontations in which police beat hundreds of students and arrested many more.²⁷ Over time, the role of the SRO diverged from their initial purpose of improving police-student relationships and led to the overt criminalization of student behavior.²⁸

In the decades that followed school desegregation, students experienced an over-policing of their classrooms.²⁹ In the 1990s, philosophies like the "Broken Windows Theory" facilitated the spread of "zero-tolerance" policies in schools and a culture of criminalization of classroom behavior.³⁰ The Broken Windows Theory claimed that "if authorities responded harshly to small infractions (like broken windows in a neighborhood) then they would see a drop in more serious crimes."³¹ With this approach in mind, schools adopted more punitive codes of conduct and zero-tolerance policies, thus removing students from school for minor violations and typical student behavior.³² Zero-tolerance policies follow a "blind-justice" approach in which students are suspended or expelled without a second thought for policy violations.³³ Violations include serious offenses such as bringing weapons or drugs to school but may also include minor offenses like talking back to a teacher or engaging in any behavior that could be considered "disruptive," such as cutting in the lunch line.³⁴ Most often it is SROs who are enforcing these

²² ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., WE CAME TO LEARN: A CALL TO ACTION FOR POLICE-FREE SCHOOLS 17 (2018), <https://advancementproject.org/wecametolearn/>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 20.

²⁷ *Id.*

²⁸ *Id.* at 21.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 22.

³³ See Farnel Maxime, *Zero Tolerance Policies and the School to Prison Pipeline*, SHARED JUST. (Jan. 18, 2018), <https://www.sharedjustice.org/most-recent/2017/12/21/zero-tolerance-policies-and-the-school-to-prison-pipeline>.

³⁴ *Id.*

punitive policies.³⁵ The “zero-tolerance” method of approaching school discipline and the use of SROs as an enforcement mechanism serve as a catalyst to the school-to-prison pipeline.³⁶

In 1994, the government took bold steps to increase policing in schools and the criminalization of students. Congress passed the Gun Free Schools Act requiring schools to adopt zero-tolerance policies for weapon offenses, further encouraging schools to expand zero-tolerance discipline.³⁷ President Clinton’s Violent Crime Control and Law Enforcement Act also passed, significantly increasing funding for SROs and creating harsh penalties for so-called “super predators.”³⁸ President Clinton’s bill caused a surge in the number of SROs in schools and consequently exacerbated the racial disparities in school discipline.³⁹ However, the most drastic changes to policing in schools would come several years later.

The Columbine shooting in 1999, the deadliest act of school violence at the time, marked a turning point for the safety and security of the public school system.⁴⁰ On April 20, 1999, two teenage gunmen killed thirteen people and wounded more than twenty others at Columbine High School in Colorado.⁴¹ School officials faced pressure to respond to the shooting by “[adopting] a punitive mindset, embracing strict, heavy-handed disciplinary methods to maintain order and control in their buildings.”⁴² Many schools across the country enacted zero-tolerance rules regarding disruptive behavior and threats of violence⁴³ and invested in security measures such as surveillance, metal detectors, and SROs.⁴⁴ The government faced similar pressure to respond to the Columbine shooting and created the Community Oriented

³⁵ See Paul Bleakley & Cindy Bleakley, *School Resource Officers, ‘Zero Tolerance’ and the Enforcement of Compliance in the American Education System*, 49 INTERCHANGE 247, 252 (2018).

³⁶ See Maxime, *supra* note 33; Bleakley & Bleakley, *supra* note 35.

³⁷ Kathleen M. Cerrone, *The Guns-Free Schools Act of 1994: Zero Tolerance Takes Aim at Procedural Due Process*, 20 PACE L. REV. 131, 132 (1999).

³⁸ ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 22–23 (noting that the Violent Crime Control and Law Enforcement Act created the Office of Community Oriented Policing Services (COPS), the office that funds school policing and its infrastructure); Ranya Shannon, *3 Ways the 1994 Crime Bill Continues to Hurt Communities of Color*, CTR. FOR AM. PROGRESS (May 10, 2019), <https://www.americanprogress.org/issues/race/news/2019/05/10/469642/3-ways-1994-crime-bill-continues-hurt-communities-color/> (defining super predators as “low-income children of color, especially black children, who are convicted of multiple crimes”).

³⁹ ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 26.

⁴⁰ Bayliss Fiddiman et al., *Smart Investments for Safer Schools*, CTR. FOR AM. PROGRESS (Dec. 19, 2018), <https://www.americanprogress.org/issues/education-k-12/reports/2018/12/19/464445/smart-investments-safer-schools/>.

⁴¹ *Columbine Shooting*, HISTORY (Mar. 30, 2020), <https://www.history.com/topics/1990s/columbine-high-school-shootings>.

⁴² Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 WASH. U. L. REV. 919, 931–32 (2016).

⁴³ *Columbine Shooting*, *supra* note 41.

⁴⁴ Fiddiman et al., *supra* note 40.

Policing Services (“COPS”) grants to fund additional school police, resulting in more than 6,500 additional police officers in schools.⁴⁵

The Parkland shooting in 2018 renewed a desire to increase police presence in schools. On February 14, 2018, a teenage gunman killed seventeen students and faculty members at Marjory Stoneman Douglas High School in Parkland, Florida.⁴⁶ Shortly after the shooting, Florida passed a law requiring the presence of a police officer or armed guard on every school campus.⁴⁷ Within six months of the shooting, “more than \$1 billion was added to school security budgets by state legislatures,” with funding for SROs as one of the top items.⁴⁸ High profile incidents of school violence like the Parkland shooting led to an increase in the number of police and weapons in schools, ultimately making schools less safe for students.⁴⁹

Thousands of SROs have been hired in the last two decades to prevent and respond to school shootings,⁵⁰ yet fatal shootings continue to occur, sometimes without any intervention on the part of the law enforcement officers stationed at the schools. Following the shooting, an SRO at Marjory Stoneman Douglas High School was criticized for not entering the school to confront the gunman who ultimately killed seventeen people.⁵¹ Since 1999, there have been an average of ten school shootings per year.⁵² The Parkland shooting was the eighteenth school shooting in 2018 and the twenty-fifth school shooting since Columbine.⁵³ Despite the increased number of SROs, there is

⁴⁵ WHITAKER ET AL., *supra* note 12, at 8; ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 22.

⁴⁶ Dakin Andone, *It's been 2 years since the deadly shooting at a high school in Parkland, Florida*, CNN (Feb. 14, 2020), <https://www.cnn.com/2020/02/14/us/parkland-shooting-marjory-stoneman-douglas-2-years/index.html>.

⁴⁷ Jessica Bakeman, *In Florida, Schools Under Pressure To Get Rid Of Police Officers*, NPR (Sept. 14, 2020), <https://www.npr.org/2020/09/14/911478446/in-florida-schools-under-pressure-to-get-rid-of-police-officers>.

⁴⁸ WHITAKER ET AL., *supra* note 12, at 8.

⁴⁹ ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 28.

⁵⁰ CHELSEA CONNERY, CTR. FOR EDUC. POL'Y ANALYSIS, *THE PREVALENCE AND THE PRICE OF POLICE IN SCHOOLS 2* (2020), https://cepare.uconn.edu/wp-content/uploads/sites/399/2020/10/Issue-Brief-CEPA_C-Connery.pdf.

⁵¹ Scott Stump, *Officer Scot Peterson defends his actions during Parkland shooting*, TODAY (June 5, 2018), <https://www.today.com/news/officer-scot-peterson-defends-his-actions-during-parkland-shooting-t130225>; Yu, *supra* note 18. The SRO at Marjory Stoneman Douglas High School, the only armed guard at the school when the shooting began, defended his actions and said that he did not know there was an active shooter in the school and believed that the shots ultimately fired by the gunman occurred outside of the building.

⁵² John Woodrow Cox & Steven Rich, *Scarred by school shootings*, WASH. POST (Mar. 25, 2018), https://www.washingtonpost.com/graphics/2018/local/us-school-shootings-history/?utm_term=.c0508f50bc9e.

⁵³ Christina Gregg, *Fox News anchor Shepard Smith lists all 25 fatal school shootings since Columbine*, AOL (Feb. 15, 2018), <https://www.aol.com/article/news/2018/02/15/fox-news-anchor-shepard-smith-lists-all-25-fatal-school-shootings-since-columbine/23362465/#>.

no evidence to suggest that they are effective in preventing school violence and active shootings.⁵⁴

Rather than preventing the problem they are brought into solve, SROs exacerbate the issue of students being pushed out of school and into the justice system. The presence of SROs increases the number of exclusionary responses such as suspensions, expulsions, and arrests, even for minor disciplinary infractions or ordinary adolescent behavior.⁵⁵ In one survey, 77% of SROs reported that they arrested a student solely to calm them down and 55% reported arresting students for minor offenses merely because the teacher wanted the student to be removed from class.⁵⁶ Exclusionary discipline at the hands of SROs increases the risk of students being pushed out of school and into the school-to-prison pipeline.⁵⁷

II. CONTRIBUTIONS TO THE SCHOOL-TO-PRISON PIPELINE

Incidents such as the excessive force used by the School Resource Officer at Spring Valley High School in South Carolina illustrate how referrals to law enforcement for trivial misbehavior can be severely mishandled. Minor disciplinary issues can escalate to a situation where a student is arrested and possibly faces jail time.⁵⁸ SROs routinely treat classroom misbehavior as a criminal matter, and the criminalization of school discipline contributes significantly to the school-to-prison pipeline.⁵⁹

The school-to-prison pipeline describes the intersection of harsh disciplinary policies and law enforcement policies that ultimately lead young people into the criminal justice system.⁶⁰ The pipeline can also be described as the trend of referring students directly to law enforcement.⁶¹ SROs are at the heart of this trend. Schools with SROs have higher rates of suspensions and

⁵⁴ Humera Nayeb & Amy Meek, *What the Research Shows: The Impact of School Resource Officers*, CHI. LAWS. COMM. FOR C.R. (June 23, 2020), <https://www.clccru.org/blog/2020/6/23/research-sros>; Robert W. Faris, *Should We Defund School Resource Officers?*, PSYCH. TODAY (June 29, 2020), <https://www.psychologytoday.com/us/blog/net-effects/202006/should-we-defund-school-resource-officers>.

⁵⁵ See, e.g., Matt Barnum, *Do police keep schools safe? Fuel the school-to-prison pipeline? Here's what research says*, CHALKBEAT (June 23, 2020), <https://www.chalkbeat.org/2020/6/23/21299743/police-schools-research> (noting that some research shows that more police in schools leads to more suspensions, largely in response to low-level offenses).

⁵⁶ CONNERY, *supra* note 50, at 7.

⁵⁷ See Nance, *supra* note 42.

⁵⁸ See Jarvie, *supra* note 2.

⁵⁹ See ROBIN L. DAHLBERG, ACLU, *ARRESTED FUTURES: THE CRIMINALIZATION OF SCHOOL DISCIPLINE IN MASSACHUSETTS' THREE LARGEST SCHOOL DISTRICTS* 5 (2012).

⁶⁰ Mariame Kaba, *How the School-to-Prison Pipeline Works*, JUST. POL'Y INST. (Oct. 10, 2017), <http://www.justicepolicy.org/news/11809>.

⁶¹ Nance, *supra* note 42, at 923.

expulsions “because SROs often elevate less serious incidents, treating a shove as a criminal assault.”⁶² The presence of school-based law enforcement has also resulted in more student arrests generally and more arrests for misbehavior that could be handled by educators.⁶³ When students are removed from school, there is a greater likelihood that they will experience grade retention, drop out of school, or end up in the juvenile and criminal justice systems.⁶⁴ The school-to-prison pipeline is perpetuated by continuing to refer students to law enforcement and allowing SROs to criminalize student misconduct.

The criminalization of school discipline disproportionately affects students of color. First, SROs are disproportionately placed in schools in which students of color make up the majority of the student body.⁶⁵ Students of color often attend schools with fewer resources and support staff to address disciplinary issues, so teachers may request help from law enforcement to address behavioral problems.⁶⁶ Consequently, students of color are more often referred to school-based law enforcement and arrested.⁶⁷ According to the Department of Education’s Civil Rights Data Collection, “African American students represented 16% of the total student population during the 2011-2012 school year, but represented 32% of students who received an in-school suspension, 33% of students who received an out-of-school suspension, 42% of students who received more than one out-of-school suspension, and 34% of students who were expelled.”⁶⁸ Second, “[s]tudents of color are more likely to be viewed as acting criminally.”⁶⁹ According to the Department of Education, Black students are more than twice as likely to be referred to law enforcement than their white classmates.⁷⁰ However, there is no evidence to suggest that students of color are more misbehaved.⁷¹ The racial

⁶² Faris, *supra* note 54

⁶³ DAHLBERG, *supra* note 59, at 9.

⁶⁴ U.S. DEP’T OF HEALTH & HUM. SERV. & U.S. DEP’T OF EDUC., POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS (2016), https://www.acf.hhs.gov/sites/default/files/documents/ecd/expulsion_ps_numbered.pdf.

⁶⁵ Kathryn Wiley et al., *Police-free schools, explained*, U. OF COLO. BOULDER SCH. OF EDUC., <https://www.colorado.edu/education/2020/11/11/police-free-schools-explained> (last visited Jan. 30, 2021).

⁶⁶ West Resendes, *Police in Schools Continue to Target Black, Brown, and Indigenous Students with Disabilities. The Trump Administration Has Data That’s Likely to Prove It*, ACLU (July 9, 2020), <https://www.aclu.org/news/criminal-law-reform/police-in-schools-continue-to-target-black-brown-and-indigenous-students-with-disabilities-the-trump-administration-has-data-thats-likely-to-prove-it/>.

⁶⁷ Wiley et al., *supra* note 65.

⁶⁸ Jason P. Nance, *School Discipline Policies: Over-Disciplining Students, Racial Bias, and the School-to-Prison Pipeline*, 50 U. RICH. L. REV. 1063, 1065–66 (2016).

⁶⁹ ACLU, BULLIES IN BLUE: THE ORIGINS AND CONSEQUENCES OF SCHOOL POLICING 22 (2017), https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf.

⁷⁰ *Id.*

⁷¹ *Id.*

disparities in school discipline, coupled with the racialized history of school-based law enforcement, illustrates “a continued effort to control and criminalize Black and Brown Youth.”⁷²

Furthermore, there is little indication that SROs in schools make schools safer or students feel more safe.⁷³ SRO presence has the unintended impact of making students, particularly students of color, feel less safe in school.⁷⁴ Proponents of law enforcement argue that SROs are in a prime position to serve as mentors to students,⁷⁵ but the constant presence of law enforcement does not further an environment of learning.⁷⁶ “Law enforcement creates more hostile environments, and when students perceive their schools to be hostile, they are less likely to be engaged in school and, in turn, demonstrate reduced achievement.”⁷⁷

Additionally, the presence of police in school fosters an environment of mistrust. Students cannot trust that conversations with SROs will remain confidential, and a conversation with an SRO may turn into an interrogation that leads to the student’s arrest.⁷⁸ Moreover, police involvement in handling disciplinary issues can violate and break the trust between student and teacher when the teacher is responsible for the SRO’s involvement.⁷⁹ Law enforcement officers can ultimately be a detriment to the school community and to students’ wellbeing, hence the decades-long push to reduce and remove school-based law enforcement.⁸⁰

III. POLICE-FREE SCHOOLS MOVEMENT

Students have demanded the removal of police from schools for decades. In 1971, the Black Student Federation led over half of Boston Public Schools’

⁷² ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 22.

⁷³ See, e.g., *More Cops In Schools Won’t Keep Kids Safe*, *supra* note 20; DAHLBERG, *supra* note 59, at 9–10.

⁷⁴ Fiddiman et al., *supra* note 40.

⁷⁵ See generally *Frequently Asked Questions*, NAT’L ASS’N OF SCH. RES. OFFICERS, <https://www.nasro.org/faq/general/> (last visited Jan. 30, 2021); *Teacher, Mentor, Officer of the Law: The Many Hats of the School Resource Officer*, STOPIT BLOG (May 3, 2018), <https://stopitsolutions.com/blog/teacher-mentor-officer-of-the-law-the-many-hats-of-the-school-resource-officer/>.

⁷⁶ Delonte Harrod, *Activists Protest To Keep School Resource Officers out of Prince George’s County Schools*, MEDIUM (Oct. 28, 2020), <https://medium.com/the-intersection/activists-protest-to-keep-school-resource-officers-out-of-prince-georges-county-schools-5f97742e215b>.

⁷⁷ WHITAKER ET AL., *supra* note 12, at 7.

⁷⁸ ACLU, BULLIES IN BLUE, *supra* note 69, at 14.

⁷⁹ See Jessica Bliss, *A mother’s saga: School, police, arrests and a son with mental illness*, TENNESSEAN (Sept. 10, 2018), <https://www.tennessean.com/story/news/2018/09/10/mental-illness-child-arrests-metro-nashville-public-school-police-passage/1012290002/>.

⁸⁰ Astrid Galvin, *Fight for police-free schools has been years in the making*, ASSOCIATED PRESS (July 25, 2020), <https://apnews.com/article/madison-wisconsin-race-and-ethnicity-phoenix-oregon-bc5b750085a89e03e132d7d3dda09a99>.

black students in a protest against segregation and poor educational conditions.⁸¹ In addition to the Boston students' demands for culturally relevant curriculum and more Black educators, these students demanded the removal of police from schools.⁸² In recent years, student unions have rallied to demand the removal of police officers from their schools.⁸³ In lieu of police, students want a greater investment in youth of color and more school counselors and safety teams whose members are trained in de-escalation and conflict resolution.⁸⁴

Similarly, advocacy groups have campaigned for years to remove police from schools. For instance, the Black Organizing Project in Oakland, California, has been campaigning since 2011 to eliminate police from Oakland Unified School District, the only district in its county with its own police force.⁸⁵ Larger coalition groups such as the "Dignity in Schools Campaign" have pushed to end the regular police presence in schools and instead train support staff to create safe and supportive learning environments.⁸⁶ In 2016, the coalition of more than 100 organizations in twenty-seven states issued a policy document calling for reforms in discipline and student supports, such as ending the regular presence of SROs and limiting the cases when law enforcement is called into schools.⁸⁷

Local and federal governments have also made strides in recent years to limit police involvement in school discipline. In 2016, the Obama administration issued resources relating to SROs, including guidelines for "crafting agreements between schools and local law-enforcement agencies, monitoring the actions of school-based police officers, and training police in such areas

⁸¹ ADVANCEMENT PROJECT & ALL. FOR EDUC. JUST., *supra* note 22, at 20.

⁸² *Id.*

⁸³ See, e.g., Linda Borg, *Providence Student Union protest demands removing police officers from schools*, PROVIDENCE J. (Dec. 13, 2018), <https://www.providencejournal.com/news/20181212/providence-student-union-protest-demands-removing-police-officers-from-schools>; Hakim Bishara & Valentina Di Liscia, *NYC High School and College Students Demand "Cops Out!" of Schools*, HYPERALLERGIC (Jan. 31, 2020), <https://hyperallergic.com/540230/nyc-high-school-and-college-students-demand-cops-out-of-schools/>.

⁸⁴ Borg, *supra* note 83; Amber C. Walker, *Committee on police in schools hears student demands and grapples with next steps*, CAP TIMES (Oct. 30, 2017), https://madison.com/ct/news/local/education/committee-on-police-in-schools-hears-student-demands-and-grapples-with-next-steps/article_94342ca1-bbb6-5486-a537-015bc02adc3c.html.

⁸⁵ Ashley McBride, *For 9 years, the Black Organizing Project has been campaigning to remove police from Oakland schools. Will it finally happen?*, BERKELEYSIDE (June 5, 2020), <https://www.berkeley-side.com/2020/06/05/for-9-years-the-black-organizing-project-has-been-campaigning-to-remove-police-from-oakland-schools-will-it-finally-happen>.

⁸⁶ DIGNITY IN SCHOOLS, COUNSELORS NOT COPS: ENDING THE REGULAR PRESENCE OF LAW ENFORCEMENT IN SCHOOLS 3 (2016), http://dignityinschools.org/wp-content/uploads/2017/10/DSC_Counselors_Not_Cops_Recommendations-1.pdf.

⁸⁷ See DIGNITY IN SCHOOLS, COUNSELORS NOT COPS: ENDING THE REGULAR PRESENCE OF LAW ENFORCEMENT IN SCHOOLS 1 (2016), http://dignityinschools.org/wp-content/uploads/2017/10/DSC_Counselors_Not_Cops_Recommendations-1.pdf.

as child development and conflict de-escalation.”⁸⁸ At the local level, some school districts have made efforts to move away from zero-tolerance policies and reform police involvement in disciplinary matters. In 2013, the Broward County School District in Florida changed its policy so that school personnel, not police, would address students’ nonviolent misdemeanors.⁸⁹ The Los Angeles Unified School District changed its approach to discipline in 2014 when it announced a new policy in which students under the age of thirteen would not be subject to police citations for minor offenses.⁹⁰ However, these efforts to reduce the criminalization of school discipline are unmatched by the police-free schools movement of 2020.

The calls of students and advocates to remove police from schools were reignited in the summer of 2020. In the wake of the murder of George Floyd and demands for police reform, localities across the country made a push to reduce or eliminate police presence in schools.⁹¹ Student unions,⁹² teachers unions,⁹³ and coalitions of community groups⁹⁴ demanded that their school districts remove police from their schools. For some school districts, this call to action would require that they cut ties with local police departments that provide SROs,⁹⁵ while other school systems would have to dismantle their own independently run police departments.⁹⁶ Demands to remove police and SROs from schools were joined by demands to replace police with

⁸⁸ Evie Blad, *Obama Administration to Schools: Clear, Limited Roles for Police*, EDUCATIONWEEK (Sept. 9, 2016), <https://www.edweek.org/leadership/obama-administration-to-schools-clear-limited-roles-for-police/2016/09>.

⁸⁹ Nelson & Lind, *supra* note 13.

⁹⁰ Vanessa Romo, *Los Angeles Tries a New Approach to Discipline in Schools*, NPR (Jan. 9, 2014), <https://www.npr.org/sections/codeswitch/2014/01/09/261044383/los-angeles-tries-a-new-approach-to-discipline-in-schools>.

⁹¹ Alexa Doiron & Julia Marsigliano, *School resource officers: Necessary or not?*, 13NEWSNOW (June 11, 2020), <https://www.13newsnow.com/article/news/school-resource-officers-necessary-or-not/291-d2cfad15-e9f5-4229-9875-d17ec1a36663>.

⁹² *Providence students deserve a better approach school safety! It's time for Counselors, not Cops*, PROVIDENCE STUDENT UNION, <https://actionnetwork.org/petitions/counselorsnotcops?source=twitter&> (last visited Jan. 25, 2021).

⁹³ Yana Kunichoff, *Chicago community groups have long called to remove police from schools. Is this their moment?*, CHALKBEAT (June 3, 2020), <https://chicago.chalkbeat.org/2020/6/3/21279874/press-to-remove-police-from-chicago-schools-gains-momentum>; Sonali Kohli & Howard Blume, *For teen activists, defunding school police has been a decade in the making*, L.A. TIMES (June 15, 2020), <https://www.latimes.com/california/story/2020-06-15/defund-police-schools-case-security-guards-campus>.

⁹⁴ Laura Isensee, *Advocates Urge HISD To Disband School Police Force*, HOUSTON PUB. MEDIA (June 8, 2020), <https://www.houstonpublicmedia.org/articles/shows/houston-matters/2020/06/08/375369/advocates-urge-houston-school-district-to-disband-school-police-force/>.

⁹⁵ King, *supra* note 11.

⁹⁶ Isensee, *supra* note 94.

counselors⁹⁷ and redirect police funding to mental health services, restorative justice programs, college counselors, nurses, and other educational services.⁹⁸

Many localities ultimately ended their contracts with law enforcement. The school board in Minneapolis, the city where George Floyd died, was the first school board to end its contract with police.⁹⁹ The school board voted unanimously to terminate the Minneapolis Police Department's contract to provide SROs.¹⁰⁰ Shortly thereafter, the superintendent of Portland Public Schools in Oregon announced that the district would be "discontinuing the regular presence of school resource officers."¹⁰¹ This momentum continued throughout the summer. In Charlottesville, Virginia, the school district, the city, and the police department jointly announced that they would discontinue the Memorandum of Understanding providing for SROs in schools.¹⁰² School Boards in Milwaukee,¹⁰³ Seattle,¹⁰⁴ and Chicago,¹⁰⁵ to name a few, all voted to terminate contracts with police departments and reform SRO programs.

In voting to cut ties with police departments, many school boards made promises that the funding directed toward law enforcement would be redirected to school-based services.¹⁰⁶ For instance, in California, the Oakland

⁹⁷ Thomas Breen, *Rally Call: No School Cops; Slash Cop \$\$*, NEW HAVEN INDEP. (June 4, 2020), https://www.newhavenindependent.org/index.php/archives/entry/police_divestment/.

⁹⁸ Kohli & Blum, *supra* note 93.

⁹⁹ Ryan Faircloth, *Minneapolis Public Schools terminates contract with Police Department over George Floyd's death*, STAR TRIBUNE (June 2, 2020), <https://www.startribune.com/mps-school-board-ends-contract-with-police-for-school-resource-officers/570967942/>.

¹⁰⁰ *Id.*

¹⁰¹ Campuzano, *supra* note 9.

¹⁰² *Charlottesville discontinuing use of school resource officers*, NBC29 (June 11, 2020), <https://www.nbc29.com/2020/06/11/charlottesville-discontinuing-use-school-resource-officers/>.

¹⁰³ Claudio Martinez, *Police-Free Schools: LIT Student Activists Help Convince MPS to End Contract with MPD and Redirect Funding*, MILWAUKEE INDEP. (June 19, 2020), <http://www.milwaukeeindependent.com/featured/police-free-schools-lit-student-activists-help-convince-mps-end-contract-mpd-redirect-funding/>.

¹⁰⁴ Dahlia Bazzaz & Hannah Furfaro, *Police Presence at Seattle Public Schools Halted Indefinitely*, SEATTLE TIMES (Aug. 12, 2020), <https://www.seattletimes.com/education-lab/police-presence-at-seattle-public-schools-halted-indefinitely/>.

¹⁰⁵ Diane Pathieu & Michelle Gallardo, *CPS says police officers removed from 17 high schools, announces School Resource Officer program reforms*, ABC7 (Aug. 19, 2020), <https://abc7chicago.com/cps-chicago-police-department-public-schools-in/6377551/>.

¹⁰⁶ See, e.g., Daarel Burnette II, *Schools or Police: In Some Cities, a Reckoning on Spending Priorities*, EDUC. WEEK (June 18, 2020), <https://www.edweek.org/ew/articles/2020/06/18/schools-or-police-in-some-cities-a.html> ("The city council in Rochester, N.Y., this week laid off its entire school police force and reduced the city police department's budget by \$3 million . . . The city council redirected more than \$130,000 into youth services."); Edward Booth, *WCCUSD Cuts School Resource Officers, Invests in Black Students*, RICH. PULSE (June 12, 2020), <https://richmondpulse.org/2020/06/12/wccusd-cuts-school-resource-officers-invests-in-black-students/> ("[T]he 1.5 million gained from eliminating SROs [will] go to the Practices for African American Student Support & Services budget. . .").

Unified School District passed the “George Floyd Resolution to Eliminate Oakland Schools Police Department.”¹⁰⁷ The annual \$2.5 million spent on the 10 sworn officers and police administrators is instead expected to be re-directed toward other student support services and restorative justice efforts.¹⁰⁸ Similarly, the West Contra Costa Board of Education in Richmond, California, voted unanimously to eliminate contracts for school resource officers and to “invest the \$1.5 million formerly budgeted to pay those officers into a fund to help Black students.”¹⁰⁹ With more than 50,000 officers working in schools across the United States, it was time for localities across the country to reevaluate what role, if any, officers should play in schools.¹¹⁰

IV. REFORMING THE ROLE OF THE SRO

Notwithstanding the push to create “police-free schools,” removing SROs from schools entirely may not be the appropriate solution. Following disasters like the Parkland shooting, parents and school officials may be hesitant to remove SROs for fear that students will be vulnerable.¹¹¹ However, if SROs are going to continue to patrol school hallways, their role needs to be reformed. Suggested reformations include prohibiting SROs from carrying weapons, revising policies to limit SRO involvement in routine disciplinary matters, and ensuring appropriate training to create positive interactions between students and their SROs.

A. Disarm School Resource Officers

Like other police officers, SROs are permitted to carry weapons.¹¹² School-based police officers carry weapons such as guns, tasers, pepper spray and batons.¹¹³ Some are even permitted to carry military-grade assault rifles.¹¹⁴ When armed with dangerous weapons, it is even more concerning

¹⁰⁷ Angela Ruggiero, *Oakland school district to eliminate its police force*, MERCURY NEWS (June 25, 2020), <https://www.mercurynews.com/2020/06/24/oakland-board-agrees-to-eliminate-its-police-force-at-school-campuses>.

¹⁰⁸ *Id.*

¹⁰⁹ Booth, *supra* note 106.

¹¹⁰ The number of SROs in public schools is based on the National Center for Education Statistics data from a 2015-2016 survey. NAT'L CTR. EDUC. STAT., SCHOOL SURVEY ON CRIME AND SAFETY (2016), https://nces.ed.gov/surveys/ssocs/tables/tab_my01_2016_all.asp. There is no exact number of how many SROs there are because SROs are not required to register with any national database and police departments are not required to report how many of their officers serve as SROs. *Frequently Asked Questions*, *supra* note 75.

¹¹¹ See Dana Goldstein, *Do Police Officers Make Schools Safer or More Dangerous?*, N.Y. TIMES (June 12, 2020), <https://www.nytimes.com/2020/06/12/us/schools-police-resource-officers.html>.

¹¹² *Frequently Asked Questions*, *supra* note 75 (“NASRO recommends that all SROs be issued and carry all the same equipment they’d have on any other law enforcement assignment.”).

¹¹³ ACLU, BULLIES IN BLUE, *supra* note 69.

¹¹⁴ *Id.*

that police may use force in interactions with students.¹¹⁵ The presence of armed officers can send a negative message to students and make them feel as though they are suspects.¹¹⁶ It may also have an intimidating effect and contribute to negative attitudes and perceptions of police.¹¹⁷

If schools are to continue to have SROs patrol the hallways, it is in the best interest of the well-being of the school community that they do so without weapons. Some school districts already do not permit its SROs to carry weapons.¹¹⁸ Proponents of armed officers in schools would argue that they ensure the safety of the students in emergency situations by carrying weapons; however, unarmed SROs would not mean that schools are unprotected.¹¹⁹ School districts may instead draft formal or informal agreements with local police departments to provide for outside assistance in emergency situations.¹²⁰ “Places of learning are not security zones or criminal justice institutions, and they should not be staffed that way.”¹²¹

Nevertheless, if weapons are considered necessary to keep students safe in emergency situations, the number of weapons should be limited, and SROs should be permitted to access them from a secure location rather than carrying weapons on their person throughout the school day. For instance, following the Parkland shooting, the SROs at Marjory Stoneman Douglas High School were armed with rifles to protect the school, but the weapons were concealed in backpacks and safes.¹²² SROs can protect the students while being sensitive to how it may affect them by keeping any weapons on school campuses hidden from view.¹²³ Another benefit of limiting the number of weapons in school and concealing those deemed necessary is that SROs would no longer have access to weapons during routine encounters with

¹¹⁵ See Brittany Breeding, *Student Tased by School Resource Officer, Department Calls it 'Reasonable and Necessary'*, ABCNEWS4 (Dec. 11, 2020), <https://abcnews4.com/news/local/student-tased-by-school-resource-officer-department-calls-it-reasonable-and-necessary> (describing an SRO's efforts to deescalate a fight and his resort to tasing one of the students involved).

¹¹⁶ Harold Jordan, *Don't Arm School Police*, ACLU (Mar. 31, 2017), <https://www.aclu.org/blog/juvenile-justice/dont-arm-school-police>.

¹¹⁷ *Id.*

¹¹⁸ *Id.* (identifying the Philadelphia school district as one that does not permit its school police to carry firearms).

¹¹⁹ Harold Jordan, *Don't arm school police*, PITTSBURGH POST-GAZETTE (Mar. 30, 2017), <https://www.post-gazette.com/opinion/Op-Ed/2017/03/30/Don-t-arm-school-police/stories/201703300082?pgpageversion=pgevoke>.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Scott Travis, *Deputies use AR-15s to fortify schools, but students can't see them*, SUNSENTINEL (Mar. 16, 2018), <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-florida-school-shooting-ar15s-sros-20180316-story.html>.

¹²³ *Id.*

students, thus reducing the risk that a weapon could be used against a student in a disciplinary capacity.

When an SRO is involved in disciplinary matters and escalates the situation by deploying¹²⁴ or threatening to use a weapon,¹²⁵ it increases the likelihood that the student will be removed from school or arrested.¹²⁶ Disciplinary issues are bound to escalate when the threat or use of weapons is involved. For example, a student suspected of an attendance violation, who in fact had an excused absence, was confronted by an SRO who threatened to shoot him if he left campus.¹²⁷ As a result of the confrontation, the student was suspended and eventually expelled.¹²⁸ Removing or limiting the weapons used by SROs will diminish the threat of an SRO pulling a weapon on a student and lessen the risk of a student being removed from school as a result of the confrontation.

B. Revise Policies and Memoranda of Understanding

Schools have allowed for the line between criminal and disciplinary matters to be blurred, thus contributing to the criminalization of discipline.¹²⁹ Students are funneled into the school-to-prison pipeline when school policies criminalize minor violations and law enforcement responds to normal misbehavior that should be handled by educators and school administration.¹³⁰ Schools must review their policies to specify what matters necessitate SRO involvement. Limiting the instances in which law enforcement are permitted to use exclusionary discipline will reduce the likelihood that students will be pushed out of school.

School policies and Memoranda of Understanding¹³¹ are generally unclear as to whether SROs should be involved in school disciplinary matters and “create a grey area that defaults to SRO involvement.”¹³² For instance, in

¹²⁴ Breeding, *supra* note 115; David Struett, *School security guard pulled a gun on student in Dolton, cops say*, CHI. SUN-TIMES (Dec. 11, 2018), <https://chicago.suntimes.com/2018/12/11/18465971/school-security-guard-charged-with-pulling-gun-on-student-in-dolton>.

¹²⁵ See Katie Shepherd, *‘You’re going to get shot’: Video shows school police officer threatening student leaving campus with excused absence*, WASH. POST (Feb. 10, 2020), <https://www.washingtonpost.com/nation/2020/02/10/school-police-threat/>.

¹²⁶ See Barnum, *supra* note 55.

¹²⁷ Shepherd, *supra* note 125.

¹²⁸ *Id.*

¹²⁹ *Cops in Schools: Have we built a school-to-prison pipeline?*, THEBESTSCHOOLS (Mar. 23, 2020), <https://thebestschools.org/magazine/cops-schools-built-school-prison-pipeline/>.

¹³⁰ *School-to-Prison Pipeline*, ACLU, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline> (last visited Jan. 5, 2021).

¹³¹ A memorandum of understanding is a formal agreement between the school board and the local law enforcement agency that employs the school resource officers and dictates the powers and duties of the SROs. VA. CODE ANN. § 22.1-280.2:3 (2020).

¹³² AMY WOOLARD, LEGAL AID. JUST. CTR., *SCHOOL RESOURCE OFFICERS AND VIRGINIA LAW 1* (2020), <https://www.justice4all.org/wp-content/uploads/2020/06/sros-in-va-6-17-2020.pdf>.

Virginia, the Memorandum of Understanding between the Richmond Police Department and Richmond Public Schools provides that “SROs are not to be involved in routine disciplinary actions that are not violations of the law.”¹³³ But the Memorandum also provides that SROs may respond to “a school based incident in which he or she is not called upon to respond if, based on his or her training and/or experience, he or she feels that his or her assistance is needed in the situation.”¹³⁴ Directives such as this give SROs broad authority to enforce school policies and exert their authority when they see fit, even if the situation could be more appropriately handled by an educator.

There are policies, however, that provide clear guidelines on what matters call for SRO intervention. The Cypress-Fairbanks Independent School District Police Department policy gives SROs authority to respond to “emergencies such as fights or persons with weapons” but not to “classroom disruptions” such as dress code violations, cursing, or refusal to follow classroom rules.¹³⁵ Clear and explicit guidelines will prevent SROs from becoming involved in minor classroom disruptions and delivering harsh punishments for typical student misbehavior. Accordingly, SROs will be less likely to use exclusionary discipline and students will be less at risk of being pushed into the school-to-prison pipeline.

C. Ensure Appropriate Training

It is crucial that SROs are properly and specially trained to interact with students. The National Association of School Resource Officers recommends that SROs receive “at least 40 hours of specialized training in school policing.”¹³⁶ However, SROs often have only a limited understanding of issues related to child development.¹³⁷ Without proper training, SROs can make serious mistakes related to their relationships with the students.¹³⁸ SROs’ actions may ultimately result in a student’s removal from school, and risk their exposure to the school-to-prison pipeline if they are not properly trained on how to navigate their interactions with students. Specialized training could ultimately create an environment that promotes the social and mental well-being of students.¹³⁹

¹³³ MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RICHMOND POLICE DEPARTMENT AND THE CITY OF RICHMOND PUBLIC SCHOOLS 1, 3 (2019), [https://go.boarddocs.com/vsba/richmond/Board.nsf/files/BQKM4T597782/\\$file/MOU%20with%20RPD-2019-Fully%20Executed.pdf](https://go.boarddocs.com/vsba/richmond/Board.nsf/files/BQKM4T597782/$file/MOU%20with%20RPD-2019-Fully%20Executed.pdf).

¹³⁴ *Id.* at 1, 4.

¹³⁵ ACLU, BULLIES IN BLUE, *supra* note 69, at 26.

¹³⁶ *Frequently Asked Questions*, *supra* note 75.

¹³⁷ DAHLBERG, *supra* note 59, at 10.

¹³⁸ *Id.*

¹³⁹ Katherine Garcia, *School resource officers train to become mentors*, BIG COUNTRY HOMEPAGE (Oct. 22, 2019), <https://www.bigcountryhomepage.com/news/school-resource-officers-train-to-become-mentors/>.

SROs must receive training specially tailored to their work with students. SRO training, specifically training on responding to mental health crises at schools and responding to disciplinary matters through de-escalation techniques, could make a dramatic difference in how student behavior is criminalized. Legislation in Texas is a prime example of the need for training standards. In 2019, Texas legislators drafted, and ultimately passed, Senate Bill 11 to respond to the perception that school-based law enforcement officers are only present in schools to arrest students and “get them involved in the prison system or the court system.”¹⁴⁰ The training serves to “separate the uniform from the person” and train SROs to be mentors.¹⁴¹ The training topics include “de-escalation techniques, mental and behavior health needs, mental health crisis intervention, child and adolescent development and psychology, positive behavioral supports, conflict resolution techniques, and restorative justice.”¹⁴²

Virginia has followed suit and passed its own legislation mandating new SRO training requirements. During the 2020 session, the Virginia General Assembly passed HB 1419 regarding the training of SROs.¹⁴³ As of July 1, 2020, the Code of Virginia mandates that school security officers are trained in: security awareness in the school environment; mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; awareness of systemic and individual racism, cultural diversity, and implicit bias; working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and student behavioral dynamics, including child and adolescent development and brain research.¹⁴⁴ This law seems foolproof on paper, but it must be rigorously applied in practice to be effective in reducing the criminalization of discipline.

Additionally, training standards must give SROs guidance on the use of force against students. Interactions between students and SROs like the one at Spring Valley High School are indicative of the need to limit the use of force against students. SROs often resort to the use of force, sometimes even excessive force, when interacting with students in a disciplinary capacity.¹⁴⁵ The inappropriate use of force also disproportionately effects students of

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *A Brief History of School-Based Law Enforcement*, TEX. SCH. SAFETY CTR. (Feb. 2016), <https://txssc.txstate.edu/topics/law-enforcement/articles/brief-history>.

¹⁴³ H.B. 1419, 2020 Gen. Assemb., Reg. Sess. (Va. 2020), <https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1419>.

¹⁴⁴ VA. CODE ANN. § 9.1-102 (2020).

¹⁴⁵ See, e.g., Elliot C. McLaughlin, *Ex-North Carolina school resource officer who slammed 11-year-old is facing misdemeanors, but boy's grandfather says this isn't over*, CNN (Dec. 17, 2019), <https://www.cnn.com/2019/12/17/us/north-carolina-student-slammed-charges/index.html> (describing an assault against an 11-year-old boy during which an SRO body slammed him to the ground).

color, as they are more likely to be physically restrained.¹⁴⁶ In instances that do not involve violence or weapons, SROs should limit the use of force against students. For instance, the Juvenile Detention Alternatives Initiative, a nationally renowned source of best practices for juvenile detention, provides standards that prohibit using “physical force or mechanical restraints for punishment [or] discipline.”¹⁴⁷ Schools and police departments must put similar standards in place and effectively train SROs on de-escalation techniques that do not involve excessive force and articulate when the use of force is appropriate.

Finally, prioritizing mentorship is a critical facet of SRO training.¹⁴⁸ School-based police officers spend most of their time on law enforcement rather than serving as a mentor or advisor to students to prevent them from engaging in criminal conduct in the first place.¹⁴⁹ Yet, SROs are often the most visible and accessible law enforcement officers in students’ communities.¹⁵⁰ They are uniquely positioned to make the lives of students safer and forge relationships with them. Training SROs to prioritize relationship building and serve as role models rather than delivering punishments to students has the potential to improve students’ perceptions of law enforcement.¹⁵¹ This may in turn diminish the criminalization of discipline, reducing students’ risk of being removed from school and pushed into the school-to-prison pipeline.

CONCLUSION

Despite their intended purpose to keep students safe and prevent crime, SROs too often contribute to the school-to-prison pipeline due to their propensity to escalate minor disciplinary matters into criminal matters. After the national reckoning over police reform reached schools, many school districts chose to terminate their contracts with local police departments and remove SROs from schools.¹⁵² However, removing SROs outright might not be the best option for every school, so their role must be reformed if SROs are going to positively contribute to the school community. These reforms must include efforts to reduce SRO involvement in routine disciplinary matters by limiting the scope of their authority in school policies and Memoranda of Understanding, and ensuring SROs are trained to effectively respond to incidents of

¹⁴⁶ ACLU, *BULLIES IN BLUE*, *supra* note 69, at 25 (revealing data from the New York Police Department that in incidents where law enforcement used handcuffs to restrain a child experiencing a mental health crisis, 98.5 percent of students were Black or Latino).

¹⁴⁷ ACLU, *BULLIES IN BLUE*, *supra* note 69, at 23.

¹⁴⁸ See Garcia, *supra* note 139.

¹⁴⁹ DAHLBERG, *supra* note 59, at 10.

¹⁵⁰ *Cops in Schools: Have we built a school-to-prison pipeline?*, *supra* note 129.

¹⁵¹ See Julie Slama, *SROs: mentor, trusted adult, police officer*, MURRAY J. (Nov. 9, 2020), <https://www.murrayjournal.com/2020/11/09/334884/sros-mentor-trusted-adult-police-officer>.

¹⁵² Camera, *supra* note 16.

serious misconduct without force. Reforms such as these would not only transform the role SROs play in the school community but disrupt the trend of sending students into the justice system for normal misbehavior.