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**WRITTEN TESTIMONY IN SUPPORT OF
House Bill No. 5432, An Act Concerning School-Based Arrests**

Good afternoon Senator Coleman, Representative Fox and distinguished members of the judiciary committee. My name is Jeanne Leblanc. I am the Communications and Education Manager for the American Civil Liberties Union of Connecticut, and I urge you to vote in favor of House Bill No. 5432, An Act Concerning School-Based Arrests.

This bill, which concerns sworn police officers stationed in Connecticut's schools and the arrests they make, will require local and regional boards of education to do two things. First, they must enter into formal written policies to outline the duties and responsibilities of police officers with an eye to avoiding unnecessary arrests. And second, they must publish data on arrests made by these officers at school and at school-sponsored activities – including the type of offense, the student's age, race, gender, ethnicity, and whether he or she is a recipient of special-educational services or is a non-English speaker. This will allow school systems to tailor policies to keep children in school and learning.

The ACLU-CT supports the bill because it will solve the fundamental failing of accountability in the program of school-based policing. Ever since the program began, it has been difficult to obtain meaningful data to evaluate whether arrests and other disciplinary measures are proportionate to infractions and whether police treat minority and disabled students fairly. This bill will change that, and require the implementation of written policies based on facts to ensure that more of the most vulnerable children stay in school rather than go to jail.

For nearly half a century there have been sworn officers serving in some Connecticut schools, but the trend of employing such officers sharply increased across the state in the late 1990s, largely due to shocking episodes of school violence. The goals were laudable. The officers were invested with the duty to foster relationships with the students to build a sense of community instead of merely being enforcers. And, with these good intentions, the system spread rapidly and gained approval of many parents, policy-makers, and newspapers. But no one had tested whether these officers were fulfilling their intended purpose or instead criminalizing discipline in the schools while alienating the students most at risk.

Therefore – after much difficulty in acquiring data from the state Department of Education – the ACLU-CT conducted a study, published in November 2008, finding that arrests in the largest school districts had disproportionately targeted students of color and had often been made on the basis of truancy and other nonviolent offenses that might have been otherwise addressed. Indeed, some examples were shocking, such as two fourth-graders arrested for “insubordination,” a first

grader arrested for “leaving school grounds,” and a kindergartener arrested for battery. Unfortunately, the undiscovered facts may have been worse still: our study was incomplete because the state Department of Education, in exchange for releasing an analysis based on race, withheld analysis of arrests based on gender or disability.

Informed by these findings, we made several recommendations: First, every school board employing sworn officers should write a policy to define the officers’ duties and goals. Second, all parties should be properly trained in the policy. Third, each board should evaluate the progress of its program under best-practices guidelines promulgated by the state. Fourth, schools should implement positive incentives and preventive measures to limit arrests to situations where safety requires them. Fifth, school boards should work to ensure that arrests are not made disproportionately among minorities or students with disabilities and to reduce arrests of the very young. Finally, we recommended that the state Department of Education improve the collection and publication of data on the number and kind of arrests and how they affected the most vulnerable populations.

Regrettably, the data (such as it was) dried up after the report was published. Numerous attempts to obtain numbers were turned away with the assertion that these data were no longer being kept. Then, this year, the state Department of Education and the Court Support Services Department of the Judicial Branch released new data for 2010-2011. But the data collected by those different agencies was not presented uniformly or in the same terms. And we could not always determine whether the arrests were made by police serving at the schools or by those called in. Consequently, with this hodgepodge of data, it would be difficult or impossible to gauge the effectiveness of written policies and their implementation.

The bill now before this Committee would solve this fundamental problem by ensuring that the data would become available uniformly across the state – indeed, improving dramatically upon what we collected for our November 2008 study. Then, and only then, will school districts like Stamford – which is now enacting a written policy to institute graduated discipline commensurate to the infraction and to eliminate racial disparities in arrests – be able to evaluate whether their programs are serving educational goals rather than driving its most vulnerable students away from learning.

To be sure, it is only through the formalization of the policies and the sharing of data required by this bill that the problem of disproportionate arrests of minorities and other vulnerable populations may be reduced. After all, the problem is not limited to Connecticut. New York City, too, has had the problem of pervasive minority arrests -- 60.3 percent were of black students, even though only 29 percent of the student body was black. Likewise, numerous arrests of students in New York City were for nonviolent offenses – for example, 54.4 percent of arrests were for nebulous offenses like “disorderly conduct.”

But under the bill now before this committee, such numbers can be reduced by implementing policies that, over time, will cut inappropriate arrests and consequently ensure that more students stay at school. In this way Connecticut can ensure that it leads the nation in the effective policing of public schools.