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Superintendent Patti DiCenso
Pawtucket School Department
286 Main Street
Pawtucket, RI 02860

BY FAX AND MAIL

Dear Superintendent DiCenso:

We recognize that, as the State Police conduct an investigation of last week's disturbing incident at Tolman High School, certain facts remain in dispute. But what is hard to dispute is that rather than helping to calm down an agitated student, police involvement, through the presence of a school resource officer (SRO), only exacerbated the situation. It led not only to the physical injury of two students, but the use of pepper spray on protesting students and the subsequent arrest of ten individuals. It is difficult to believe that such an escalation would have taken place in the absence of a school police presence.

This incident only reinforces concerns that the ACLU of Rhode Island has had for some time regarding the use of SROs on school campuses. We have found that few people understand the enormous amount of control that school officials cede when they allow SROs in their schools. For the reasons explained in detail below, we urge you to take the opportunity presented by last week's events to reexamine both the use of SROs in your school district and the Memorandum of Understanding (MOU) between your school district and the police department that we believe unnecessarily set the stage for last week's series of ill-fated events.

While we do not possess your school department's current MOU with the Pawtucket Police Department, we have reviewed the one in existence in 2011 and assume it has changed little, if at all. Despite the tremendous power that SROs wield in an educational environment, your school district's MOU allows police officers to walk the halls of schools with little responsibility to school officials themselves. That is because, at bottom, they serve the police, not the school.

Despite the positive image occasionally promoted in the media (and which is undoubtedly true in some instances) about the friendly father-figure SRO roaming the schools, your school department's 2011 MOU makes perfectly clear that the SRO's purpose is to provide law enforcement, not to work productively with youth. As the MOU puts it, the SRO is the school's "law enforcement unit." While the SRO assists "in training for the school administration in law enforcement and related matters," the SRO is not concomitantly required to receive any training by the school or school department in addressing behavioral issues or understanding the needs of the children they serve.

Under the MOU, the SRO can unilaterally remove a student from school without even notifying the principal, if notification is not “practical.” The SRO reports not to the school principal, but to his or her supervisor at the police department. While the MOU expressly states that an SRO “**shall not** be used as a school disciplinarian” (emphasis in original), last week’s incident demonstrates how easily the presence of a police officer can turn a school disciplinary matter into a criminal one.

The MOU recognizes that the “selection of the officer is the most critical aspect of the program.” But school officials have no say in the matter. Should they have concerns about an SRO, they are, under the MOU, out of luck. SROs are assigned and recalled at the complete discretion of the police chief, not school officials. Although the Superintendent has the right to “submit to the Chief of Police reasons why a particular S.R.O. will need to be removed ... the Chief of Police shall have final determination.”

Somewhat ironically, in light of what we know now, the MOU states that “[p]olice management shall select officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public.” It is hard to square that with the police department’s decision to assign an SRO who, only months before his installation at Tolman, had been investigated for excessive force following a videotaped incident where the same officer pepper-sprayed and repeatedly hit a man with his nightstick.

The MOU even goes so far as to provide that “any criminal enforcement action taken by the S.R.O. which results with the charging of a student with a crime will be supported by the principal ... in court,” as if there would never be a circumstance when a school official might question the propriety of a criminal charge brought by an SRO against a student.

In noting these problems with the one-sided nature of MOUs, we do not mean to single out Pawtucket. In 2011, the ACLU of Rhode Island filed open records requests with school departments statewide for information regarding their use of SROs, including incident reports arising from student arrests. Many of the school department MOUs we obtained were quite similar to Pawtucket’s, and the incident reports documented many examples of escalation of minor infractions (such as wearing a hat in violation of a school dress code) into arrests for open-ended crimes like disorderly conduct.

In recent years, there has been much talk about the “school-to-prison pipeline.” At least some of it must be attributed to the increasing presence of police officers in schools and the power given them by MOUs, which can, as these incidents demonstrate, lead to arrests for behavior that otherwise could and should have been dealt with internally as a disciplinary matter.

Nationwide, as in Pawtucket, it appears that SROs generally lack appropriate or adequate training before their placement in schools, raising significant questions about the mission of an SRO, from both education and law enforcement perspectives.¹ When a

¹ Salsich, Annie. “Keeping Schools Safe.” Vera Institute of Justice (Feb. 2013), available at <http://www.vera.org/sites/default/files/resources/downloads/youth-safety-and-violence.pdf>.

student's immature behavior is addressed by a law enforcement official trained in criminality and arrest, not in getting to the root of a behavioral issue, neither the child nor the school is well served. In short, the presence of SROs redefines as criminal justice problems behavior issues that may be rooted in social, psychological or academic problems, for which involvement in the juvenile justice system is hardly the solution. What occurred at Tolman High School last week, we believe, exemplifies this hard truth.

Further, while the belief is that SROs will help keep schools safe, the evidence paints a more nuanced picture. For example, an October 2011 study in *Justice Quarterly* found "no evidence suggesting that SRO or other sworn law-enforcement officers contribute to school safety. . . . The preponderance of evidence suggests that, to the contrary, more crimes involving weapons possession and drugs are recorded in schools that add police officers than in similar schools that do not ... as schools increase their use of police officers, the percentage of crimes involving non-serious violent offenses that are reported to law enforcement increases."²

We believe the time has come for school districts to take responsibility for the police officers walking in their midst. With that purpose in mind, if SROs are to remain in Pawtucket, we urge you to revise your district's MOU with the police department. Among other things, we believe that a school-police MOU regarding the placement of SROs should, at a minimum, give school officials a meaningful role to play in the selection and retention of SROs; require SROs to receive pre-service and annual training on such issues as restorative justice and adolescent development and psychology; require that, absent a real and immediate threat to student, teacher or public safety, incidents should be handled by school officials as disciplinary measures, not by SROs as criminal offenses; provide for clear limits on the use of force; and offer simple procedures for students to raise concerns about an SRO's treatment of them.

The troubling aspects of last week's incident will not have been in vain if it leads to a searching review by your school district of its MOU with the Police Department and changes in that document that can help prevent similar episodes in the future. We urge you to take advantage of that opportunity to promote those changes. For your information, we are sharing this letter with other school district superintendents in the state in the hope that they will take similar action.

Thank you for your time and attention to this important issue.

Sincerely,



Steven Brown
Executive Director

² Na, Chongmin and Denise C. Gottfredson. "Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors." *Justice Quarterly*: October 2011.