

ACLU OF RI POSITION: OPPOSE

**TESTIMONY IN OPPOSITION TO 23-H 5628 and 23-H 6149,
RELATING TO EDUCATION – THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT
April 26, 2023**

The ACLU opposes both of these pieces of legislation which would indefinitely extend a program by which school districts can be reimbursed by the state for the employment of a school resource officer.¹ We would like to express our deep concern for continuing state subsidies for school resource officers and the creation of financial incentives for schools to hire SROs over other critically needed personnel.

While we understand the intent of protecting the student body, these officers are often relied upon to provide routine school discipline, and the tools that police have at their disposal to combat unruly behavior are often not appropriate in the school setting. In an open records request from a few years ago, we discovered that many incident reports arising from student arrests documented examples of escalation of minor infractions (such as wearing a hat in violation of a school dress code) into arrests for open-ended crimes such as disorderly conduct. That is, a police presence often led to arrests for minor misconduct that could and should – and otherwise would – have been treated internally as a school disciplinary matter.

It is also important to note that disciplinary and enforcement protocol in schools disproportionately affects students of color, students with disabilities, and LGBTQ students. The ACLU has released multiple studies over the years – and most recently, last month – which show a consistent discrepancy in the rates that students of color and students with disabilities are suspended in Rhode Island. Statistics also show that these groups are much more likely to be arrested for school misconduct than other students. And, critically, the increased presence of SROs redefines as criminal justice problems behavioral issues that may be rooted in social, psychological, or academic problems, for which involvement in the juvenile justice system is hardly the solution.

In just the past few years, our organization has filed two lawsuits on behalf of marginalized students who faced extremely inappropriate action at the hands of a school SRO. One was on behalf of a Black, female, middle-school honors student in Pawtucket who was unlawfully handcuffed and arrested by an SRO; the second was on behalf of a special education student in

¹ We further note our concerns with language in H 5628 which would provide funding for “school security infrastructure.” If any action is taken on this bill, we urge that this language be defined so as to specifically exclude funding for surveillance tools, which the ACLU of RI believes are resolutely inappropriate to introduce to the school environment.

Narragansett who was thrown to the ground and arrested by an SRO solely because the student made a rude gesture at the officer. This latter suit was recently settled with a \$75,000 award to the student – for an incident that never would have happened if an SRO had not been in the school.

We are further concerned that a statutorily authorized reimbursement process for the hiring of SROs will incentivize schools to funnel resources into the hiring of police over other staff, such as school guidance counselors, who are sorely needed on campuses in Rhode Island. As another bill being heard by this committee tonight appropriately recognizes, state subsidies for school personnel should be directed towards those personnel who have professional understanding of the behavioral, psychological, and interpersonal needs of students. It is our sense that most students and teachers agree that scarce financial resources could best be used on preventive services and more school counselors and social workers, not an additional police presence. As long as schools prioritize punishment over treatment and services, at-risk students will be pushed out of schools and into the path of delinquency. This hurts us all.

Though it is our position that a consistent SRO presence on campuses should not be permitted, if this committee nonetheless wishes to support a greater police presence in the schools, we believe some basic standards should be addressed by any legislation which does so. These would include, at a minimum, adding provisions in the law to 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 be handled by school officials as disciplinary measures, not by SROs; providing for clear limits on the use of force; and offering simple procedures for students to raise concerns about an SRO's treatment of them.

For all the reasons expressed above, we strongly urge rejection of these pieces of legislation. Thank you for your attention to our views.