

# Militarization of School Police: One Route on the School-to-Prison Pipeline

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*How did a country pushed into a revolution by protest and political speech become one where protests are met with flash grenades, pepper spray and platoons of riot teams dressed like RoboCops? How did we go from a system in which laws were enforced by the citizens—often with noncoercive methods—to one in which order is preserved by armed government agents too often conditioned to see streets and neighborhoods as battlefields and the citizens they serve as the enemy?<sup>1</sup>*

## I. INTRODUCTION

Following the Ferguson Police Department's use of force during the protests ignited by the police killing of Michael Brown in Ferguson, Missouri, many members of the public were shocked that the local police owned so much military equipment. In response to the public outcry, Congress conducted a hearing on the federal government's practice of providing surplus military equipment to local police forces.<sup>2</sup> At the hearing, Senators expressed concern regarding the need for police to have military-grade weapons and vehicles, such as semi-automatic rifles and Mine-Resistant Ambush-Protected (MRAP) vehicles.<sup>3</sup> They questioned whether it was a necessary or productive use of police power, and some called for an end to the practice.<sup>4</sup>

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1. Radley Balko, *Rise of the Warrior Cop: How Did America's Police Become a Military Force on the Streets?*, A.B.A. J., July 2013, at 44, 49.

2. See Niraj Chokshi & Sarah Larimer, *Ferguson-Style Militarization Goes on Trial in the Senate*, WASH. POST (Sept. 9, 2014), <http://www.washingtonpost.com/blogs/govbeat/wp/2014/09/09/ferguson-style-militarization-goes-on-trial-in-the-senate/>.

3. *Id.*

4. *See id.*

The government's program of providing military-grade weapons is one example of the increasing militarization of American society. Militarization is the process of institutionalizing "a set of beliefs and values that stress the use of force and domination as appropriate means to solve problems and gain political power, while glorifying the tools to accomplish this—military power, hardware, and technology."<sup>5</sup> Not only has this process infiltrated local police, it has infiltrated American schools as well. Many school districts have formed their own police departments, some so large they rival the forces of major United States cities in size.<sup>6</sup> For example, the safety division in New York City's public schools is so large that if it were a local police department, it would be the fifth-largest police force in the country.<sup>7</sup>

Every day, millions of students attend schools that have armed police, metal detectors, and pat downs.<sup>8</sup> Furthermore, in what is a surprise to many, district police departments across the country own military-grade weapons and equipment. Many of these schools more closely resemble correctional facilities than institutions of learning. For example, the Compton Unified School District in California recently authorized its police officers to carry assault rifles.<sup>9</sup> Unfortunately, it is not alone, as schools across the country have also authorized their school police to carry military rifles and other weapons.<sup>10</sup> Supporters

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5. Peter B. Kraska & Victor E. Kappeler, *Militarizing American Police: The Rise and Normalization of Paramilitary Units*, 44 SOC. PROBS. 1, 1 (1997).

6. See *A Look at School Safety: School to Prison Pipeline*, N.Y. CIV. LIBERTIES UNION, <http://www.nyclu.org/schooltoprison/lookatsafety> (last visited Jan. 18, 2015) ("At the start of the 2008–2009 school year there were 5,055 school safety agents (SSAs) and 191 armed police officers in New York City's public schools.").

7. *Id.*

8. See *id.* (noting this practice in New York City).

9. Conor Friedersdorf, *Compton School Board Approves AR-15 Rifles for Campus Police*, ATLANTIC (Aug. 19, 2014, 8:08 AM), <http://www.theatlantic.com/national/archive/2014/08/compton-school-board-approves-ar-15-rifles-for-campus-police/378738/>.

10. See Noah Pransky, *Assault Rifles Shipped to Pinellas Schools*, 10NEWS (Sept. 17, 2014, 6:30 PM), <http://www.wtsp.com/story/news/local/2014/09/17/pinellas-schools-received-assault-rifles-from-feds/15769299/> ("A government program that provides surplus military equipment to local agencies is also providing high-powered military rifles and other military-grade equipment to local school districts across the country, including the Pinellas County Schools."); Field Walsh, *TISD Police Receive 12 M-16's Through Military Surplus Property Program*, TXKTODAY (Sept. 8, 2014), <http://txktoday.com/news/tisd-police-receive-12-m-16s-military-surplus-property-program/> ("According to KHOU news 10 school districts throughout Texas received military surplus equipment, including trucks, guns, and armor, through a Department of Defense program.").

of the use of military weapons by school police officers are adamant that the weapons are necessary to save lives in the event of an emergency.<sup>11</sup> However, evidence suggests that militarized environments have harmful effects on students.<sup>12</sup> Along with the psychological impact, much research indicates that schools with police officers and metal detectors have more frequent disciplinary incidents than those without, which contributes to the growing school-to-prison pipeline.<sup>13</sup>

This article reviews the history of militarization in American schools and addresses the detrimental impact this practice has on students, particularly students of color. Part II discusses the increased militarization of American police forces. Part III explores the history of police in schools. Part IV then addresses the connection between school militarization and the school-to-prison pipeline, specifically questioning the racial implications. Finally, Part V examines methods of reform to transform our nation's schools back into purely institutions of learning.

## II. POLICE OR SOLDIERS? MILITARIZING LOCAL POLICE FORCES

At the time the United States was founded, there existed a longstanding principle that the government should not use the military as a national police force. Local police and the military were to have distinctly separate roles, with neither crossing into the jurisdiction of the other. This principle was codified in the Posse Comitatus Act, which passed in 1878.<sup>14</sup> As southern states enacted “Black Codes” following the Civil War, the Ku Klux Klan formed its own army, and politicians actively sought to undermine the policies of the victorious North.<sup>15</sup> As a result of the continued subjugation of newly freed former slaves, the federal government sent military troops into the South to enforce

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11. Peter B. Kraska & Louis J. Cubellis, *Militarizing Mayberry and Beyond: Making Sense of American Paramilitary Policing*, 14 JUST. Q. 607, 626 (1997).

12. See *A Look at School Safety: School to Prison Pipeline*, *supra* note 6.

13. See *id.* (“High schools with permanent metal detectors issued 48 percent more suspensions than schools without metal detectors.”).

14. See Posse Comitatus Act of 1878, 20 Stat. 152 (1878).

15. Gary Felicetti & John Luce, *The Posse Comitatus Act: Setting the Record Straight on 124 Years of Mischief and Misunderstanding Before Any More Damage Is Done*, 175 MIL. L. REV. 86, 102-06 (2003).

Reconstruction.<sup>16</sup> Among other duties, the federal troops were to protect black voting rights and to arrest Klan members for crimes against African Americans living and working in the South.<sup>17</sup> Unsurprisingly, southern politicians alleged that the military used oppressive tactics and demanded that the troops be removed.<sup>18</sup> Finally, in 1878, as part of a compromise between Democrats and Republicans that led to the election of Rutherford B. Hayes as President, the federal government agreed to withdraw the military from the South.<sup>19</sup> Congress passed the Posse Comitatus Act at the same time, which effectively prohibited the military from enforcing local laws.<sup>20</sup>

The belief that the military and police should be separate was not merely an isolated idea, but rather a deeply held principle birthed out of the hope that the United States would never become a military state.<sup>21</sup> During the seventeenth and eighteenth centuries, one of the British government's many acts that provoked the Patriots to war was the use of its military as local law enforcement.<sup>22</sup> The professional police officers of today did not exist in the 1700s.<sup>23</sup> During that time, sheriffs and constables were employed solely for the purpose of serving warrants or executing writs.<sup>24</sup> The Framers feared over-policing, and many of them would likely consider modern police forces as a standing army.<sup>25</sup> The tactics utilized by today's American police exhibit a historical disconnect from the Framers' ideals, and in some respects "violates the Framers' most firmly held conceptions of criminal justice."<sup>26</sup> Some have even argued that the modern police system is unconstitutional.<sup>27</sup>

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16. *See id.* at 105.

17. *Id.* at 107.

18. *See id.* at 105-06.

19. *Id.* at 109.

20. *See* Posse Comitatus Act of 1878, 20 Stat. 152 (1878).

21. *See* Mark P. Nevitt, *Unintended Consequences: The Posse Comitatus Act in the Modern Era*, 36 *CARDOZO L. REV.* 119, 121 (2014) (attributing public resentment to the British occupation of America during the Revolutionary War).

22. Balko, *supra* note 1, at 46.

23. Roger Roots, *Are Cops Constitutional?*, 11 *SETON HALL CONST. L.J.* 685, 687 (2001).

24. *Id.*

25. *See* Balko, *supra* note 1, at 46.

26. *See* Roots, *supra* note 23, at 688.

27. *See id.*

Following the enactment of the Posse Comitatus Act, the military and local police remained largely separate for almost a century, neither performing the duties of the other.<sup>28</sup> However, in the last two to three decades, coinciding with the proclamation of the War on Drugs, there has been a shift. Namely, the United States has experienced an increase in legislation and public support for the use of military equipment and tactics in local law enforcement activities.<sup>29</sup> About twenty years into the War on Drugs, critics began to seriously question the efficacy and necessity of the battle. Even some in the military have commented on the introduction of “the armed forces into institutionalized participation in law enforcement matters” in an effort to combat drug distribution and use.<sup>30</sup> This is seen most prominently through the widespread adoption of paramilitary tactics and pervasive procurement of military equipment by local police forces. Although these practices began during the War on Drugs, they were revamped following the terrorist attacks of September 11, 2001.<sup>31</sup> Federal and local governments feared another attack, and local communities questioned whether they were properly prepared. In response, municipalities utilized several laws that permitted local police forces to acquire excess military weapons.<sup>32</sup> While lawmakers touted the purpose of these programs as a means of providing local police forces with the resources to combat drugs and terrorism, the weapons are now used to control community members. As this article discusses, it is only natural that as local police become more militarized, school police forces will follow suit.

#### A. Department of Defense 1033 Program

In an effort to equip local law enforcement with the resources needed to fight the War on Drugs, the Department of Defense created a program in 1991 through which it transferred excess military property to state and local law enforcement

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28. See Charles J. Dunlap, Jr., *The Police-ization of the Military*, 27 J. POL. & MILITARY SOC. 217, 219 (1999).

29. See *id.*

30. See *id.* at 220.

31. See Balko, *supra* note 1, at 52.

32. See 10 U.S.C. § 2576a (2012) (entitled “Excess personal property: sale or donation for law enforcement agencies”).

agencies.<sup>33</sup> The program was reauthorized in Section 1033 of the National Defense Authorization Act for Fiscal Year 1997, from which it gets its name—the 1033 Program.<sup>34</sup> Through the program, each state has a State Coordinator appointed by the governor who approves each local law enforcement agency’s participation in the program.<sup>35</sup> After approval, a local law enforcement agency can request excess property through the Department of Defense’s website.<sup>36</sup> A wide range of property is available, including office furniture, vehicles, forklifts, clothing, weapons, and aircraft.<sup>37</sup> The Department of Defense reviews the requests and determines whether to approve, “giv[ing] a preference to those applications indicating that the transferred property will be used in the counter-drug or counter-terrorism activities of the recipient agency.”<sup>38</sup> If a request is approved, the acquiring agency must transport, maintain, and conduct any necessary training for use of the property.<sup>39</sup>

Following the terrorist attacks of September 11, 2001, “there was increased Congressional emphasis on the transfer of equipment to Federal, State, and local first responders in support of homeland security.”<sup>40</sup> However, some question whether local law enforcement officials use the property to advance the goals of combating the nation’s wars on drugs or terror.<sup>41</sup> As evidenced by the protests in Ferguson, while the weapons acquired through federal programs are to be used solely to combat terrorism or the drug trade, local police departments now

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33. See National Defense Authorization Act for Fiscal Year 1991, § 1005, Pub. L. No. 101-510, 104 Stat. 1485, 1630 (1990) (directing the Secretary of Defense to “review the availability of equipment . . . for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate Federal, State, or local civilian law enforcement authorities”).

34. See National Defense Authorization Act for Fiscal Year 1997, § 1033, Pub. L. No. 104-201, 110 Stat. 2422, 2639 (1996).

35. See *Oversight of Federal Programs for Equipping State and Local Law Enforcement Agencies: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 113th Cong. 2 (2014) [hereinafter Estevez Statement] (statement of Alan Estevez, Principal Deputy Under Secretary of Defense for Acquisition, Logistics and Technology).

36. See *id.*

37. See *id.* at 3.

38. 10 U.S.C. § 2576a(d) (2012).

39. See Estevez Statement, *supra* note 35, at 2-3.

40. See *id.* at 1.

41. See Matt Apuzzo, *After Ferguson Unrest, Senate Reviews Use of Military-Style Gear by Police*, N.Y. TIMES, Sept. 10, 2014, at A12 (noting the Senate hearing on the issue).

use the weapons for whatever purposes they see fit, including against the citizens the weapons were meant to protect.

Only 4% of the property given to local law enforcement agencies is “controlled,” meaning weapons, aircraft, and tactical vehicles.<sup>42</sup> According to an investigation by National Public Radio, the program has dispersed the following controlled items since 2006: “79,288 assault rifles; 205 grenade launchers; 11,959 bayonets; 3,972 combat knives; \$124 million worth of night-vision equipment, including night-vision sniper scopes; 479 bomb detonator robots; 50 airplanes, including 27 cargo transport airplanes; 422 helicopters; [and] more than \$3.6 million worth of camouflage gear and other deception equipment.”<sup>43</sup> The program has also given away at least 600 MRAP vehicles.<sup>44</sup>

Law enforcement officials frequently highlight that the equipment is used to save the lives of hostages and ensure the safety of officers in dangerous situations.<sup>45</sup> However, some express concerns with the program. One such concern is that since the weapons are gifted instead of purchased, local law enforcement departments do not have to go through the usual acquisition procedure from their local governing body.<sup>46</sup> This leads law enforcement to obtain weapons and other property not needed to adequately protect their community. Walkerton, a town of about 2000 in northern Indiana, recently acquired “two Humvees worth nearly \$40,000 each, five night-vision sights worth more than \$4,000 each and scores of ammunition magazines and combat-oriented accessories.”<sup>47</sup> The police chief of Bloomingdale, Georgia, a town of less than 2800 near Atlanta, bragged that “[i]n the 20 years I’ve been here, we haven’t had to use deadly force against anybody,” yet the police

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42. See Estevez Statement, *supra* note 35, at 3.

43. See Arezou Rezvani et al., *MRAPs And Bayonets: What We Know About the Pentagon’s 1033 Program*, NPR (Sept. 2, 2014, 6:09 PM), <http://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>.

44. *Id.*

45. See *Oversight of Federal Programs for Equipping Local Law Enforcement Agencies: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 113th Cong. 2 (2014) [hereinafter Bueermann Statement] (statement of Jim Bueermann, President, Police Foundation).

46. See Christian Sheckler, *Local Police Acquire More Firepower*, S. BEND TRIB. (July 21, 2014, 8:01 AM), [http://www.southbendtribune.com/news/local/local-police-acquire-more-firepower/article\\_9d74c2aa-0ff4-11e4-ad41-001a4bcf6878.html](http://www.southbendtribune.com/news/local/local-police-acquire-more-firepower/article_9d74c2aa-0ff4-11e4-ad41-001a4bcf6878.html).

47. *Id.*

force has amassed military gear, including armored vehicles and grenade launchers, through the 1033 Program.<sup>48</sup> Additionally, as James Bueermann, the former police chief of Redlands, California, noted:

The addition of military equipment like armored vehicles or military-like SWAT teams in police departments with little use for them can create budgetary and organizational pressure to use them. Policing leaders who acquire military-like equipment, that is expensive to buy or maintain, and SWAT teams, can feel pressure from city or county administrators, or elected officials, to justify the expenditures. This can result in “normalizing” their use in “routine” circumstances and contributes to the militarization of the police.<sup>49</sup>

The congressional hearing on the matter revealed that even bayonets had been distributed through the 1033 Program.<sup>50</sup> Facts like this, coupled with the visible misuse of the property in Ferguson, lead many to question the program.

#### B. Homeland Security Grant Program (HSGP)

While the 1033 Program is the most well-known program that provides military-grade equipment to local law enforcement, other similar federal programs presently exist. The Department of Homeland Security oversees the Homeland Security Grant Program, established by Congress in 2003.<sup>51</sup> The stated purpose of the HSGP is to “support[] the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal . . . of a secure and resilient Nation.”<sup>52</sup> One objective of this “National Preparedness Goal” is to prevent future terrorist attacks.<sup>53</sup> Local law enforcement authorities cannot use HSGP funds to purchase

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48. See Rhonda Cook, *Military Equipment Flowing to Local Law Enforcement Raises Questions*, AJC.COM (Jan. 27, 2013, 5:00 AM), [http://www.ajc.com/news/news/military-equipment-flowing-to-local-law-enforcemen/nT7 ZK/?\\_\\_federated=1](http://www.ajc.com/news/news/military-equipment-flowing-to-local-law-enforcemen/nT7 ZK/?__federated=1).

49. See Bueermann Statement, *supra* note 45, at 5.

50. See Rezvani et al., *supra* note 43.

51. See Implementing Recommendations of the 9/11 Commission Act of 2007, § 101, Pub. L. No. 110-53, 121 Stat. 266, 271 (2007).

52. *FY 2014 Homeland Security Grant Program (HSGP)*, FEMA, <http://www.fema.gov/fy-2014-homeland-security-grant-program-hsgp> (last visited Jan. 18, 2015).

53. See *id.*



weapons or weapons equipment, but the funds can be used to acquire any other property as long as it falls within one of eighteen specified categories, among them personal protective equipment, explosive device mitigation and remediation equipment, and detection equipment.<sup>54</sup> Other types of equipment an agency may purchase include body armor, chemical detection devices, medical supplies, surveillance equipment (including infrared and x-ray technology), vehicles (including hazmat and bomb-response vehicles), and tactical entry equipment.<sup>55</sup> The program includes one notable restriction: “[F]unding shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local and Federal law enforcement agencies.”<sup>56</sup> However, local law enforcement may still receive substantial amounts of expensive equipment. For example, the Santa Barbara Police Department in California has received approximately \$600,000 worth of equipment through the HSGP, including surveillance equipment and advanced training for officers.<sup>57</sup> The law subjects jurisdictions to periodic review in order to ensure that the funds are utilized according to the guidelines and HSGP program goals.<sup>58</sup>

### C. Militarization in Action

The most widely publicized local use of military equipment and training involves operations by paramilitary tactical units such as SWAT teams. These units are specially trained teams of police officers “which respond to the rare hostage, sniper, barricaded person, or terrorist.”<sup>59</sup> Local police forces frequently

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54. COMMONWEALTH OF MASS., FEDERALLY APPROVED EQUIPMENT LIST FOR USE BY RECIPIENTS OF STATE HOMELAND SECURITY GRANTS IN MASSACHUSETTS FFY 04, at 2 (n.d.), available at [http://www.hollistonfire.com/pdf%20files/HLS\\_gp\\_equipmentlist.pdf](http://www.hollistonfire.com/pdf%20files/HLS_gp_equipmentlist.pdf).

55. See *id.* at 6-12.

56. See U.S. DEP’T OF HOMELAND SEC., FUNDING OPPORTUNITY ANNOUNCEMENT (FOA) FY 2014 HOMELAND SECURITY GRANT PROGRAM (HSGP): OVERVIEW INFORMATION 57 (2014), available at [http://www.fema.gov/media-library-data/1395161200285-5b07ed0456056217175fbdee28d2b06e/FY\\_2014\\_HSGP\\_FOA\\_Final.pdf](http://www.fema.gov/media-library-data/1395161200285-5b07ed0456056217175fbdee28d2b06e/FY_2014_HSGP_FOA_Final.pdf).

57. Joshua Molina, *Police ‘Militarization’ on Display Locally but Law Enforcement Officials Say Public Benefits*, NOOZHAWK (Sept. 6, 2014, 11:55 PM), [http://www.noozhawk.com/article/santa\\_barbara\\_county\\_news\\_police\\_militarization\\_2014\\_0906](http://www.noozhawk.com/article/santa_barbara_county_news_police_militarization_2014_0906).

58. U.S. DEP’T OF HOMELAND SEC., *supra* note 56, at 17.

59. See Kraska & Cubellis, *supra* note 11, at 610.

use paramilitary units to carry out drug raids—an operation where law enforcement officers storm a residence or business in order to arrest individuals suspected of drug-related crimes.<sup>60</sup>

Drug raids can be extremely dangerous for both law enforcement and innocent civilians; however, the danger is sometimes “instigated not by an existing high-risk situation but one generated by the police themselves.”<sup>61</sup> Some researchers even argue that police departments “proactively seek out and even manufacture highly dangerous situations.”<sup>62</sup> Many question the necessity of performing these high-risk operations, arguing that danger of the raids outweighs the threat of suspected criminals. Specifically, during some drug raids, police endanger their lives and the lives of others in order to enforce laws for non-violent crimes.<sup>63</sup>

Possibly of greatest concern is that police departments utilize paramilitary units for routine police functions, such as serving warrants.<sup>64</sup> Warrants are a fundamental part of the criminal justice system, mentioned expressly in our Constitution<sup>65</sup> and issued on a daily basis. The use of SWAT teams, assault rifles, and tear gas against citizens was at one time a last resort, but these tactics are increasingly becoming a first option against individuals that pose little danger to officers.<sup>66</sup> As early as 1995, nearly 94% of paramilitary units were used to serve warrants, usually during no-knock raids on private residences.<sup>67</sup>

Additionally, police departments are increasingly inserting paramilitary units into traditional police duties, such as non-violent negotiations. A SWAT team commander in a small municipality recently explained his department’s policy during a barricade situation—ask the suspect to surrender one time.<sup>68</sup> If the suspect refuses, he orders in the SWAT team, which will

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60. See Kraska & Kappeler, *supra* note 5, at 8.

61. *Id.*

62. *Id.* at 12.

63. See Balko, *supra* note 1, at 46 (“This sort of force was once reserved as the last option to defuse a dangerous situation. It’s increasingly used as the first option to apprehend people who aren’t dangerous at all.”).

64. See Kraska & Cubellis, *supra* note 11, at 615.

65. See U.S. CONST. amend. IV.

66. Balko, *supra* note 1, at 46.

67. See Kraska & Cubellis, *supra* note 11, at 615.

68. See *id.* at 619.

then attempt to flush the suspect out with tear gas or flash-bang grenades.<sup>69</sup> This illustration demonstrates less of an attempt to negotiate, which usually ends without casualties, and more of an inclination to send in a paramilitary team, all because police are unwilling to “hang around for hours and beg.”<sup>70</sup> Ample evidence suggests military weapons acquired to combat drugs and terrorism are not always used for their intended purpose. Even in instances when they are tangentially related, such as to serve an arrest warrant on a drug suspect, the potential risks may outweigh the benefits.

#### D. Effects of Militarization on Police and Community Members

Another concern involves the adoption of a “military mindset” by police who frequently use military-style weapons and tactics. The 1033 Program and other similar programs flood local communities with weapons designed for war and permit police to use the weapons on citizens during times of peace. History provides few examples where effective law enforcement programs in stable democracies blended police and military roles.<sup>71</sup> This may explain why the Founders strongly opposed any military action against citizens—it threatens our democratic society.

The objectives of police and the military are completely different, and, as such, the tools used to accomplish both necessarily differ. Police function to protect people and property, while, as one member of the armed forces stated, “[t]o put it bluntly, . . . military training is aimed at killing people and breaking things.”<sup>72</sup> Military equipment and training encourages police officers to focus on the warlike aspects of policing—aggressive crime fighting—and in turn leads to a “warlike” approach to law enforcement.<sup>73</sup> Members of the military must necessarily consider outsiders as potential targets who must be

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69. *See id.* at 619-20.

70. *Id.* at 620.

71. *See Dunlap, supra* note 28, at 222 (“In truth, there are very few models in modern times where the military effectively conducted a police-like internal security mission consistent with both the maintenance of an authentic combat capability and democratic values.”).

72. *Id.* at 223.

73. *See Kraska & Cubellis, supra* note 11, at 609.

neutralized. Introducing training and equipment intended to eliminate enemy targets is problematic in the local policing context because police are supposed to protect community members, not interact with them as though they are enemy combatants. The current military model of policing renders community policing impossible “by fostering a ‘we/they’ attitude.”<sup>74</sup> As one police chief explained:

Good police work has nothing to do with dressing up in black and breaking into houses in the middle of the night. And the mentality changes when they get put on the SWAT team. I remember a guy I was good friends with; it just completely changed him. The us-versus-them mentality takes over. You see that mentality in regular patrol officers too. But it’s much, much worse on the SWAT team.<sup>75</sup>

Approaching local policing as a military operation is counterintuitive because community members perceive non-verbal and symbolic messages that discourage them from viewing police as a positive addition to their neighborhoods. The more likely result is that they will see police as an invading army.

Furthermore, military weapons have symbolic value in society. Recent commentary on this issue defined “symbol” as “a view of cultural reality ‘not immediately apparent but perceptible.’”<sup>76</sup> In the context of modern policing, camouflage uniforms, assault rifles, and armored vehicles represent symbolic statements of war. For example, many police departments have acquired surplus military uniforms through the 1033 Program and HSGP. Military-like uniforms serve as a form of symbolic violence which distances community members from police.<sup>77</sup> It also creates a symbolic hierarchy, with police on top and members of the public at the bottom.<sup>78</sup> Some may argue that this hierarchy is necessary, but in reality “the

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74. *See id.*

75. Balko, *supra* note 1, at 50 (internal quotation mark omitted).

76. John Paul & Michael L. Birzer, *Images of Power: An Analysis of the Militarization of Police Uniforms and Messages of Service*, 32 FREE INQUIRY CREATIVE SOC. 121, 121 (2004) (quoting Joseph R. Gusfield & Jerzy Michalowicz, *Secular Symbolism: Studies of Ritual, Ceremony, and the Symbolic Order in Modern Life*, 10 ANN. REV. SOC. 417, 419 (1984)).

77. *See id.* at 122.

78. *See id.*

paramilitary model of policing destroys the very fabric of social life, trust.”<sup>79</sup> These symbols effectively send the intended message—police power and domination—but simultaneously damage the relationship between police and the community.<sup>80</sup> Trust is vitally important. It fosters the cooperation between law enforcement and the community necessary to effectively solve and prevent crime.<sup>81</sup> The impact on the community can be dramatic:

When police organizations look and act like soldiers, a military mind set is created that declares war on the American public. In this mentality the American streets become the “front,” and American citizens exist as “enemy combatants.” Once an organization with a militaristic orientation becomes institutionalized, the members exist within a culture wherein they believe that they are literally engaged in combat.

[When] the police constitute a quasi-military warrior class [they act as warriors]. In common with warriors generally, they exhibit bonds of solidarity [that] are fierce and strong. Indeed, [their] human propensities find fullest expression in having an enemy to hate, fear, and destroy and fellow fighters with whom to share the risks and triumphs of violent action.

When police organizations train officers to act and think like soldiers they alienate them from the community which they are supposed to be a part of. Soldiers at war operate under a code of domination, not service. Thus, all actions (or perceived offenses) by civilians must be handled by domination—by force and control. Stated boldly, no longer do police officers operate as officers of the law; they act as the law itself. Within this mentality laws are applied arbitrarily without the validation of civilian voices and the courts.<sup>82</sup>

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79. *Id.* at 124.

80. *See id.* at 122.

81. *See* Paul & Birzer, *supra* note 76, at 124 (“When community residents distrust and fear the police, cooperation becomes void. The police cannot stop or control crime without the help of ordinary citizens. And citizens won’t help a cop unless they trust her or him.”).

82. *Id.* (alterations in original) (citations omitted) (quoting various authority).

In sum, as local police become more military-like, the more community members resist their presence. With community resistance, police cannot effectively protect anyone.

Today's police forces are rapidly creating the military state feared at the time of the nation's founding. Modern police officers operate more like troops in mini-militaries than partners in safeguarding neighborhoods. This is not a good thing. The transformation of local policing practices necessarily impacts the structure and duties of school police because the same practices are now used in schools, particularly schools with high percentages of students of color.

### III. SCHOOL POLICE

#### A. History of School Police

Before discussing the militarization of public schools, this article must first address how police presence in schools became an accepted practice. Police first entered the nation's public schools in Flint, Michigan during the 1950s.<sup>83</sup> The practice arose out of "a community-oriented policing philosophy which emphasize[d] a proactive and prevention-oriented approach to policing."<sup>84</sup> Over the next three to four decades, many communities embraced the idea of police in schools.<sup>85</sup> At first, schools hired plainclothes officers on loan from the local law enforcement agency to improve community relations between law enforcement and students.<sup>86</sup> This practice continued on a small scale for decades.<sup>87</sup>

Then, in the late 1990s and early 2000s, several widely covered school shootings shook the nation.<sup>88</sup> Most notable among them was the shooting at Colorado's Columbine High School in 1999, still considered the deadliest high school shooting in United States history.<sup>89</sup> Public opinion on school

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83. See JOANNE MCDANIEL, SCHOOL RESOURCE OFFICERS: WHAT WE KNOW, WHAT WE THINK WE KNOW, WHAT WE NEED TO KNOW 4 (2001), available at <https://www.ncdps.gov/div/JJ/whatweknow.pdf>.

84. See *id.*

85. See *id.* at 4-5.

86. Marty L. West & John M. Fries, *Campus Based Police/Probation Teams—Making Schools Safer*, CORRECTIONS TODAY, Aug. 1995, at 144, 144-145.

87. See *id.* (detailing the rise of police in America's schools).

88. Michael Rocque, *Exploring School Rampage Shootings: Research, Theory, and Policy*, 49 SOC. SCI. J. 304, 306 (2012).

89. See *id.* at 311 (noting the incident).

safety shifted drastically as parents demanded lawmakers act to ensure the safety of children in school. While school shootings occurred throughout the United States for nearly the entire twentieth century, most of the shootings resulted in one or two victims.<sup>90</sup> It was not until Columbine, and according to some, the ensuing over-sensationalization of the crisis by the media, that the nation saw a widespread increase in the use of police in America's schools.<sup>91</sup>

Some research posits that over the last twenty years or so, while school shootings have changed in form, the incident rates have remained relatively stagnant.<sup>92</sup> This finding notwithstanding, legislators and members of the public have demanded law enforcement to address the growing problem of school violence—and the answer so far has been adding more police. There is no official statistic on the amount of police officers stationed in schools, but one source estimated that one-third of local police and sheriff's departments permanently placed officers at schools by the late 1900s.<sup>93</sup> By 2003, that number had increased to 43% and 47% of local police departments and local sheriff's offices, respectively.<sup>94</sup>

### 1. School Resource Officers

Today, most police officers assigned to schools full time are referred to as school resource officers (SROs).<sup>95</sup> A police chief in Miami, Florida first coined the term in the early 1960s.<sup>96</sup> While many people have heard or used the term SRO, what exactly is one? Unfortunately, the answer depends. There is no widely accepted definition of an SRO, and the definition differs from state to state and jurisdiction to jurisdiction.<sup>97</sup> The federal government defines an SRO as:

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90. *See id.* at 305 (“School violence in general has occurred throughout the history of formal education, though the issue of rampage or mass killings is relatively new.”).

91. *See id.* at 306.

92. *See id.*

93. Brad A. Myrstol, *Police in Schools: Public Perceptions*, ALASKA JUST. F., Fall 2010, at 1, 1.

94. *See id.*

95. Spencer C. Weiler & Martha Cray, *Police at School: A Brief History and Current Status of School Resource Officers*, 84 CLEARING HOUSE 160, 160 (2011).

96. *Id.* at 161.

97. MCDANIEL, *supra* note 83, at 2.

[A] career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

(A) educate students in crime and illegal drug use prevention and safety;

(B) develop or expand community justice initiatives for students; and

(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.<sup>98</sup>

Other entities define SROs similarly. Definitions in some states include no mention of the community educator or counselor role of an SRO. For example, Tennessee defines an SRO as:

A law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the [law enforcement agency].<sup>99</sup>

Ideally, an SRO is a police officer who has training and experience working with juveniles and has knowledge of both school settings and education laws.<sup>100</sup> Although there are no national standards governing the use of SROs, some common themes emerge: (1) a majority of SROs are assigned to one school considered to be his or her “beat”; (2) most SROs have served some time as a traditional officer; (3) officers assigned to work as SROs usually volunteer for the position; (4) most SROs employed by a police department wear police uniforms while in schools; and (5) the vast majority of SROs are white males.<sup>101</sup>

Policymakers intended SROs to serve as problem-solvers or liaisons for juveniles in need of support services.<sup>102</sup> Today,

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98. 20 U.S.C. § 7161(11) (2012).

99. TENN. CODE ANN. § 49-6-4202(6) (West 2014).

100. See Weiler & Cray, *supra* note 95, at 161.

101. See MCDANIEL, *supra* note 83, at 6.

102. See Weiler & Cray, *supra* note 95, at 161.



little is known about the efficacy of SRO programs.<sup>103</sup> As previously noted, there is no national accounting of how many police officers are stationed in schools.<sup>104</sup> Also, there are no standard and objective methods to measure their effectiveness.<sup>105</sup> Notably, there have been no comprehensive studies regarding the most effective uses of SROs.<sup>106</sup> The few studies discussing the effectiveness of SRO programs produced mixed results.<sup>107</sup> While some showed decreases in crime, others showed no results.<sup>108</sup> The Department of Justice observed that when an individual believed that an SRO program was effective, it was largely due to the participant's own perception of effectiveness, not necessarily any objective criteria.<sup>109</sup> In the absence of definitive statistics and research, commentators take positions on both ends of the spectrum—some strongly advocate for police in schools, while others challenge their effectiveness and impact on the learning environment. At best, there are many unanswered questions about the effectiveness of police in schools, and at worst, police in schools are counterproductive, inhibiting children's ability to learn.

## 2. Rationale for Police in Schools

Many view police as a solution to school violence because most teachers and school administrators lack the training to handle crime.<sup>110</sup> Parents and members of the public welcome police into schools as the best means of ensuring a safe learning environment, allowing teachers to teach and students to learn. There is a widespread belief that schools are not as safe as they once were and that students are in danger of becoming victims

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103. See BARBARA RAYMOND, U.S. DEP'T OF JUSTICE, ASSIGNING POLICE OFFICERS TO SCHOOLS 7 (2010), available at <http://ric-zai-inc.com/Publications/cops-p182-pub.pdf> ("Most existing SRO research does not tell us if the[] hoped-for benefits are achieved.").

104. See CATHY GIROUARD, U.S. DEP'T OF JUSTICE, FACT SHEET: SCHOOL RESOURCE OFFICER TRAINING PROGRAM 1 (2001), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/fs200105.pdf> ("[T]he concept of what constitutes an SRO varies from one State or local jurisdiction to another, making counting of the number of SRO's difficult.").

105. See *id.*

106. RAYMOND, *supra* note 103, at 7.

107. See *id.* at 8.

108. *Id.*

109. *Id.*

110. See Weiler & Cray, *supra* note 95, at 161.

while at school.<sup>111</sup> This view arises from school shootings, increased gang activity among juveniles, and bullying.<sup>112</sup>

In 2000, the federal government revealed that middle school and high school students were victims of more than 2.7 million crimes while at school during 1998 alone.<sup>113</sup> Additionally, the National Association of School Resource Officers advocates for an increased police presence at school by touting statistics that show 78% of SROs reported confiscating weapons from students at school in 2004.<sup>114</sup> However, much research demonstrates that today's schools are safer than in decades past—both student violence and students' fear of harm at school have been on the decline for some time.<sup>115</sup>

Most students subjected to discipline at school are punished not for violence, but rather for behavioral misconduct.<sup>116</sup> Likewise, while SROs claim that they confiscate weapons on a regular basis, the statistics may be misleading due to the broad nature of school conduct policies.<sup>117</sup> Commentators highlight many instances in which students were punished for possessing non-lethal “weapons.” For example, fifteen-year-old Tawana Dawson was expelled from her high school in 1999 for violating the school's zero-tolerance policy after her nail clippers were

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111. *See id.*

112. RANA SAMPSON, U.S. DEP'T OF JUSTICE, BULLYING IN SCHOOLS 1-3 (2009), available at [http://www.popcenter.org/problems/pdfs/Bullying\\_in\\_Schools.pdf](http://www.popcenter.org/problems/pdfs/Bullying_in_Schools.pdf).

113. PHILLIP KAUFMAN ET AL., U.S. DEP'T OF EDUC. & U.S. DEP'T OF JUSTICE, INDICATORS OF SCHOOL CRIME AND SAFETY 2000, at v (2000), available at <http://nces.ed.gov/pubs2001/2001017.pdf>.

114. KENNETH S. TRUMP, NAT'L ASS'N OF SCH. RESOURCE OFFICERS, SCHOOL SAFETY LEFT BEHIND? SCHOOL SAFETY THREATS GROW AS PREPAREDNESS STALLS & FUNDING DECREASES 4 (2005), available at <http://www.schoolsecurity.org/resources/2004%20NASRO%20Survey%20Final%20Report%20NSSSS.pdf>. This survey included no definition of what qualified as a weapon, but items such as nail clippers have been confiscated as weapons by school staff. This spawns a new discussion involving the over-criminalization of students in schools.

115. *See* JUST. POLICY INST., EDUCATION UNDER ARREST: THE CASE AGAINST POLICE IN SCHOOLS 10 (2011), available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf) (noting the measurable decrease in school violence over the past twenty years).

116. Elizabeth E. Hall, Article, *Criminalizing Our Youth: The School-to-Prison Pipeline v. The Constitution*, 4 S. REGIONAL BLACK L. STUDENTS ASS'N L.J. 45, 76 (2010).

117. *See id.* at 78-79 (noting some policies “cover[] everything from nail trimmers to Uzis”).

confiscated at school.<sup>118</sup> Research has also indicated that students are twice as likely to be victims of crimes *away* from school than they are *inside* the school.<sup>119</sup> In fact, a child is three times more likely to be struck by lightning than to be killed while in school.<sup>120</sup> According to data compiled by the Center for Disease Control, only 1% of all homicides of school-aged children occur at school or while en route to or from school.<sup>121</sup>

Today, society blurs the concepts of an unsafe learning environment and distractions caused by behavioral problems. Much of the punishment and disciplinary actions imposed upon students do not result from violent behavior, such as physically harming a teacher or another student, but rather from behavior disruptive to the learning environment.<sup>122</sup> Because teachers lack the training to properly deal with behavioral issues, “[t]he typical responses to such problems are either suppression through punitive and exclusionary strategies, which have little empirical support and have even been demonstrated to exacerbate problems, or throwing interventions at problems without a systematic plan.”<sup>123</sup>

### B. Militarization in Schools

The militarization of schools is a relatively new phenomenon. To date, at least twenty-six school districts nationwide have acquired military equipment through the 1033

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118. John W. Whitehead, *Student Sentenced to One-Year Expulsion for Possession of Nail Clippers*, RUTHERFORD INST. (July 19, 1999), [https://www.rutherford.org/publications\\_resources/john\\_whiteheads\\_commentary/student\\_sentenced\\_to\\_one-year\\_expulsion\\_for\\_possession\\_of\\_nail\\_clippers](https://www.rutherford.org/publications_resources/john_whiteheads_commentary/student_sentenced_to_one-year_expulsion_for_possession_of_nail_clippers).

119. See GIROUARD, *supra* note 104, at 1.

120. See Hall, *supra* note 116, at 80.

121. See *School-Associated Student Homicides—United States, 1992-2006*, CENTER FOR DISEASE CONTROL (Jan. 18, 2008), <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>.

122. See Hall, *supra* note 116, at 76 (providing several instances where administrators punished students for non-violent behavior).

123. DAVID M. OSHER ET AL., AVOID SIMPLE SOLUTIONS AND QUICK FIXES: LESSONS LEARNED FROM A COMPREHENSIVE DISTRICTWIDE APPROACH TO IMPROVING CONDITIONS FOR LEARNING 3 (2013) (citations omitted), *available at* <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/avoid-simple-solutions-and-quick-fixes-lessons-learned-from-a-comprehensive-districtwide-approach-to-improving-conditions-for-learning/osher-avoid-simple-solutions-crr-conf-2013.pdf>.

Program.<sup>124</sup> Because the presence of firearms and other military-grade equipment in schools is a recent trend, there exists little research or case studies on the matter. However, local news reports provide some anecdotes regarding how these weapons are currently being used in America's schools.

Generally, schools become militarized in three ways. This article has already addressed the first—the placement of permanent police officers in schools. Schools also experience militarization through the acquisition of military-grade weaponry by school police departments. In April 2014, the San Diego Unified School District Police Department acquired an MRAP vehicle through the 1033 Program.<sup>125</sup> The district planned “to repaint [the vehicle] white and use it as a rescue vehicle in the event of an active shooter or a natural disaster.”<sup>126</sup> Following public outcry, Chief of Police Rueben Littlejohn announced that the department planned to return the MRAP vehicle to the Pentagon.<sup>127</sup> He explained, “[w]e’re returning it because some members of the community have expressed the fact that they are uncomfortable with the vehicle that’s military by design.”<sup>128</sup>

In Los Angeles, home to the nation's second-largest school district, the Los Angeles School Police Department acquired sixty M16s, three grenade launchers, and an MRAP vehicle through the 1033 Program.<sup>129</sup> In response to concerns by parents, students, and the public, officials announced the department would return the grenade launchers because they

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124. *US School Districts Given Free Machine Guns and Grenade Launchers*, GUARDIAN (Sept. 18, 2014, 12:30 AM), <http://www.theguardian.com/world/2014/sep/18/us-school-districts-given-free-machine-guns-and-grenade-launchers>.

125. *Local School Districts Got Military Gear from Pentagon*, CBS NEWS (Sept. 26, 2014, 7:00 AM), <http://www.cbsnews.com/news/k-12-schools-recvied-weapons-from-pentagon/>.

126. *Id.*

127. *Id.*

128. *Id.* On a positive note, Littlejohn also noted that the increased scrutiny following the Ferguson Police Department's response during the Michael Brown protests had instigated new conversations within the San Diego community regarding the use of force by police. *Id.*

129. See *US School Districts Given Free Machine Guns and Grenade Launchers*, *supra* note 124; see also Stephen Ceasar, *L.A. Schools Police Will Return Grenade Launchers but Keep Rifles, Armored Vehicle*, L.A. TIMES (Sept. 16, 2014, 8:27 PM), <http://www.latimes.com/local/lanow/la-me-schools-weapons-20140917-story.html> (noting the acquisition of the weapons and equipment and the decision to return some of the weaponry following public criticism).

were “not essential life-saving items within the scope, duties, and mission of the district’s police force.”<sup>130</sup> Chief of Police Steve Zipperman justified retaining the MRAP vehicle by citing the district’s inability to otherwise purchase such a vehicle and by maintaining that it would be essential in the event of a school shooting or other armed threat.<sup>131</sup>

In Texas, at least ten school district police departments have acquired excess military weapons through the 1033 Program.<sup>132</sup> The Texarkana ISD Police Department acquired twelve M16s in July 2013.<sup>133</sup> The district also planned to purchase AR-15 rifles with an estimated total cost between \$18,000 and \$25,000.<sup>134</sup> The police department acquired the M16s for free through the 1033 Program, saving the school district a significant sum of money.<sup>135</sup> After the public learned of the acquisition, some called for the district to return the rifles, but the district has not announced any current plans to do so.<sup>136</sup>

Schools in Florida have also acquired weapons through the 1033 Program.<sup>137</sup> In 2014, the Pinellas County School District near Tampa received twenty-eight M16 rifles.<sup>138</sup> The district explained that it planned to use the rifles for training and in the event of a school shooting.<sup>139</sup> When questioned, Chief of Police Rick Stelljes assured that the “M16s would only be necessary to

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130. *US School Districts Given Free Machine Guns and Grenade Launchers*, *supra* note 124 (internal quotation mark omitted).

131. *See id.*

132. Scott Noll, *Military Rifles, Armor Sent to Texas School Police*, KHOU.COM (Sept. 5, 2014, 8:05 AM), <http://www.khou.com/story/news/investigations/2014/09/05/military-rifles-armor-ammo-sent-to-texas-school-police/15112731/>. According to a report by a Houston news station, the districts which received the surplus equipment were Frenship, Texarkana, LaJoya, Linden-Kildare, Aledo, Beaumont, Ector County, San Antonio, Edinburg, and Spring Branch. *See id.*

133. Field Walsh, *TISD Police Receive 12 M-16’s Through Military Surplus Property Program*, TXKTODAY (Sept. 8, 2014), <http://txktoday.com/news/tisd-police-receive-12-m-16s-military-surplus-property-program/>.

134. *Id.*

135. *See id.*

136. *US School Districts Given Free Machine Guns and Grenade Launchers*, *supra* note 124.

137. *See id.* (listing Florida and Georgia alongside six other states).

138. *See* Noah Pransky, *Assault Rifles Shipped to Pinellas Schools*, 10NEWS (Sept. 17, 2014, 6:30 PM), <http://www.wtsp.com/story/news/local/2014/09/17/pinellas-schools-received-assault-rifles-from-feds/15769299/>.

139. *See id.*

subdue an attacker from long-range, since handguns are typically only accurate in close-range situations.”<sup>140</sup>

Other school districts have not been so transparent. While the Pentagon acknowledged that it provided equipment to certain districts, some refused to publicly disclose what items they received.<sup>141</sup> One such district is the Auburn-Washburn School District in Topeka, Kansas.<sup>142</sup> In 2014, administrators declined requests to provide information as to the specific equipment and weapons acquired through the program.<sup>143</sup>

Most school districts maintain the weapons will be used in training, allowing officers to know how to handle the weapons in an active-shooter situation. Indeed, many school districts have actually performed drills at schools using the weapons.<sup>144</sup> These drills sparked controversy after some schools conducted them unannounced.<sup>145</sup>

In Chicago, Carey-Grove High School performed a surprise active-shooter drill in January 2013.<sup>146</sup> A man stood in a hallway firing blanks at students and staff unaware of the training exercise.<sup>147</sup> The school district defended its actions by contending that the drill exposed flaws in their safety plan and by arguing “that kids should know what live rounds sound like so they can respond appropriately if a real shooter ever shows up.”<sup>148</sup> Similarly, an El Paso, Texas school came under scrutiny in May 2012 after it authorized a surprise active shooter-drill.<sup>149</sup> One frightened student sent a text message to his mother: “I’m not kidding. There’s gunshots and people screaming and we

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140. *Id.*

141. See Victor Skinner, *Schools Stockpile Grenade Launchers, M16 Rifles, Armored Vehicles and Other Military Equipment*, EAGNEWS.ORG (Sept. 18, 2014), <http://eagnews.org/schools-stockpile-grenade-launchers-m16-rifles-armored-vehicles-and-other-military-equipment/> (noting that only 50% of states responded to records requests involving the program as of September 2014).

142. *Id.*

143. *See id.*

144. See William McGuinness, *Oregon Teachers Fail Active Shooter Drill as Masked Men Shoot Blanks at Surprised Faculty*, HUFFINGTON POST (May 01, 2013, 6:09 PM), [http://www.huffingtonpost.com/2013/05/01/active-shooter-drill-oregon\\_n\\_3195706.html](http://www.huffingtonpost.com/2013/05/01/active-shooter-drill-oregon_n_3195706.html) (noting a training exercise at Pine Eagle Charter School in Halfway, Oregon).

145. *See id.* (mentioning a simulated “act of terror” at a school in El Paso, Texas performed “without a warning to students, staff or parents”).

146. *Id.*

147. *See id.*

148. *Id.*

149. *See McGuinness, supra* note 144.

were locked in a storage closet.”<sup>150</sup> In rural Oregon, administrators scheduled a surprise drill where a shooter entered into a library full of unaware and fearful teachers.<sup>151</sup> Nationwide, staff and parents have expressed outrage over the surprise drills, arguing that they traumatize students and teachers.<sup>152</sup> Some teachers have even considered litigation as a result of the drills.<sup>153</sup> School officials justify these surprise drills by stating that if staff and students know of the drills in advance, then they will be less effective.<sup>154</sup> Other districts have promised to develop other methods of training to adequately prepare students and staff for a shooter situation.<sup>155</sup>

Some school districts go one step farther and actually permit police to carry out drug raids on school campuses. In November 2003, a high school in Goose Creek, South Carolina came under fire after local police performed a “commando-style raid.”<sup>156</sup> Prior to the raid, school administrators received reports of prescription drug activity occurring within the school.<sup>157</sup> The school principal responded by contacting the police department, which in turn performed a drug raid during school hours.<sup>158</sup> During the raid, police waived guns, ordered students to lie flat on the ground, and searched lockers and bags.<sup>159</sup> Canine units on the scene performed sniff searches for drugs.<sup>160</sup> No drugs were recovered during the raid, but the principal defended his actions as necessary to prevent crime.<sup>161</sup>

While far less popular, and far more controversial, several school districts across the nation have started arming teachers and staff. Following the 2012 school shooting at an elementary school in Newtown, Connecticut, the National Rifle Association

150. *Id.* (internal quotation mark omitted).

151. See Sasha Goldstein, *Gun Attack Drills More Realistic, Intense as Schools Brace for a Possible ‘Active Shooter’ Incident*, N.Y. DAILY NEWS, <http://www.nydailynews.com/news/national/schools-new-drill-article-1.1341645> (last updated May 12, 2013, 12:11 PM).

152. *See id.*

153. *See id.* (“Some in town have said a lawsuit might be in the works.”).

154. *See id.*

155. *See id.*

156. David Hancock, *Drug Raid at S.C. High School*, CBS NEWS (Nov. 7, 2003, 2:41 PM), <http://www.cbsnews.com/news/drug-raid-at-sc-high-school/>.

157. *See id.*

158. *See id.*

159. *Id.*

160. *Id.*

161. Hancock, *supra* note 156.

called for the arming of every school teacher in the country, notoriously claiming that “[t]he only thing that stops a bad guy with a gun is a good guy with a gun.”<sup>162</sup> Most states and jurisdictions prohibit individuals from carrying weapons on school campuses.<sup>163</sup> However, school districts have recently discovered or legislators have created loopholes in state laws in order to permit firearms on campus. In Texas, individuals are generally prohibited from carrying guns on school property,<sup>164</sup> but Texas law also provides a loophole that permits school districts to authorize individuals to carry weapons on a case-by-case basis.<sup>165</sup> In 2012, Michigan legislators approved a bill to permit concealed weapons in schools, day-care centers, and churches, but Governor Rick Snyder vetoed the legislation following public criticism.<sup>166</sup> Other states, such as Oklahoma, have bills in the works that would permit guns in schools.<sup>167</sup>

Some school superintendents unilaterally heeded the advice of the NRA and armed their teachers. Harrold, a small, remote town in Texas has one such district.<sup>168</sup> There is only one school in Harrold, which teaches approximately 100 students from kindergarten to twelfth grade.<sup>169</sup> The nearest sheriff’s office is thirty minutes away, and the district did not have the funds to hire a security officer in 2007, so the school district unanimously voted to allow teachers to carry concealed firearms as a solution.<sup>170</sup> In support of the decision, Superintendent David Thweatt stated: “A shooter could take out a guard or officer with a visible, holstered weapon, but our teachers have

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162. Bobby Cervantes, *10 Top Quotes from NRA's Wayne LaPierre*, POLITICO (Dec. 21, 2012, 12:11 PM), <http://www.politico.com/story/2012/12/10-top-quotes-from-nras-wayne-lapierre-85411.html> (internal quotation marks omitted).

163. See, e.g., COLO. REV. STAT. ANN. § 18-12-105.5 (West 2014).

164. See TEX. PENAL CODE ANN. § 46.03 (West 2013).

165. See TEX. PENAL CODE ANN. § 46.03(a)(1).

166. See Bill Chappell, *Michigan's Snyder Vetoes Bill Allowing Concealed Guns in Schools*, NPR (Dec. 18, 2012, 6:00 PM), <http://www.npr.org/blogs/thetwo-way/2012/12/18/167572472/michigans-snyder-vetoes-bill-allowing-concealed-guns-in-schools>.

167. See Christian Favalora, *Guns in School Lots: Fear, Favor Over Recent Law Change*, GRANDLAKENEWS.COM (Aug. 1, 2014, 12:15 AM), [http://grandlakenews.com/news/article\\_f6ad298c-b8a1-58fc-8dba-90259460f363.html](http://grandlakenews.com/news/article_f6ad298c-b8a1-58fc-8dba-90259460f363.html).

168. See *In Tiny Texas Town, Teachers Are Armed with Concealed Weapons, a 'Better' Solution than a Security Guard*, N.Y. DAILY NEWS (Dec. 20, 2012, 10:41 AM), <http://www.nydailynews.com/news/national/teachers-armed-guns-texas-school-article-1.1224257>.

169. *Id.*

170. *Id.*



master's degrees, are older and have had extensive training. And their guns are hidden. We can protect our children."<sup>171</sup> Now, each district employee who wants to carry a weapon must have a concealed-weapons permit, receive approval from the school board, and undergo crisis intervention and hostage training.<sup>172</sup> Other school districts in Texas have followed Harrold's example.<sup>173</sup>

As these examples demonstrate, the militarization of schools is rooted in fears of school shootings and crime. There is no question that preventing school shootings and protecting the safety of students should be a goal of any school department. However, creating an environment where armed law enforcement, or even armed teachers and staff, constantly surround children should be disconcerting.

#### IV. MILITARIZATION AND THE SCHOOL-TO-PRISON PIPELINE

The school-to-prison pipeline represents a form of institutionalized racism. The ACLU describes it as the systematic criminalization of school children, perpetuated by policies "that push our nation's schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems."<sup>174</sup> As a result, children of color are far more likely than white students to be suspended, expelled, or arrested in school and more likely to be subsequently referred to the criminal justice system.<sup>175</sup>

Teachers and law enforcement rely heavily on the criminal justice system following student misconduct, which forces students out of school and toward future incarceration. Additionally, disproportionate levels of punishment tend to face far less scrutiny from staff, lawmakers, and the public than other forms of punishment that cause negative educational outcomes.

171. *Id.*

172. *See id.*

173. *See* Ben Waldron, *Texas School District to Arm Teachers*, ABC NEWS (Mar. 27, 2013), <http://abcnews.go.com/US/texas-school-district-arm-teachers/story?id=1882338> (noting a new policy at the Levelland Independent School District in West Texas).

174. *What Is the School-to-Prison Pipeline?*, AM. CIV. LIBERTIES UNION, <http://www.aclu.org/racial-justice/what-school-prison-pipeline> (last visited Jan. 18, 2015).

175. *See* Lia Epperson, *Brown's Dream Deferred: Lessons on Democracy and Identity from Cooper v. Aaron to the "School-to-Prison Pipeline,"* 49 WAKE FOREST L. REV. 687, 687 (2014).

For example, society frequently and vehemently denounces high dropout rates or low college attendance rates. But high rates of suspensions or expulsions of minority students are generally met with far less criticism, and educators and policymakers attempt to explain the necessity of such punitive sanctions.<sup>176</sup>

Like most racism experienced today in America, the school-to-prison pipeline is subtle and institutionalized. Legislators, teachers, and school administrators do not proclaim that they would rather incarcerate students of color than work to educate them, but this is exactly what is happening. The pipeline operates subtly by failing to address and remedy the “situational variables” that children of color face when they enter the school system. These variables include less qualified teachers, fewer educational resources, and feelings of detachment from school. The pipeline operates more overtly by imposing harsher disciplinary actions against black students and initiating criminal consequences for adolescent misbehavior.

In the 1980s, many schools adopted more punitive school discipline policies in an apparent effort to decrease student violence and misconduct.<sup>177</sup> The increased police presence in schools represents one of the recent trends related to the school-to-prison pipeline.<sup>178</sup> With this increased presence comes an increase in student involvement in the criminal justice system. Because students of color frequently enter the school system facing situational variables and a higher likelihood of experiencing school discipline, they may feel alienated and discouraged from engaging in and pursuing educational opportunities. These feelings will eventually lead them away from the classroom altogether.

While some of the underlying goals of the policies that perpetuate the school-to-prison pipeline are noble, such as increasing school safety, the results can be counterintuitive. Military-grade weapons and threats of force by law enforcement contribute to what are referred to as “poor conditions of learning.” These conditions are characterized by unsafe learning environments, failures to identify culturally with teachers, a lack of support from staff and peers, and fewer academic challenges

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176. See India Geronimo, *Systemic Failure: The School-to-Prison Pipeline and Discrimination Against Poor Minority Students*, 13 J.L. SOC'Y 281, 298 (2011).

177. See *id.* at 284.

178. See Epperson, *supra* note 175, at 698.

for high-achieving students. Students react to these feelings by exhibiting higher levels of risk-taking behavior than students who do not experience poor learning conditions.<sup>179</sup> Research also indicates that more police officers and harsher penalties at school do not discourage students from engaging in misconduct; instead, they actually make students more likely to engage in future criminal behavior.<sup>180</sup> The school-to-prison pipeline is so devastating because once students are in the pipeline, their chances of future involvement in the criminal justice system increase dramatically.<sup>181</sup> Rather than discouraging criminal behavior, the pipeline reinforces it.

While the militarization of schools remains problematic in principle, the practice should prompt particular concern among communities of color because of the history of over-policing and over-criminalizing of minorities. As explained above, the school-to-prison pipeline operates by directing students out of school and toward the criminal justice system. As the War on Drugs progressed, “tough on crime” lawmakers passed laws that created harsher penalties for nearly all crimes.<sup>182</sup> Unsurprisingly, these policies found their way into the education system.<sup>183</sup> In short order, schools adopted policies that created harsh punishments for trivial offenses, all under the auspices of safety. However, research has shown that black students are disproportionately punished under zero-tolerance policies.<sup>184</sup> This suggests a connection between perceptions of black students by teachers and staff and enforcement of zero-tolerance policies.<sup>185</sup>

In her work, *Systemic Failure: The School-to-Prison Pipeline and Discrimination Against Poor Minority Students*,

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179. See PETER LEONE & LOIS WEINBERG, CTR. FOR JUVENILE JUSTICE REFORM, ADDRESSING THE UNMET EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS 2 (2010), available at <http://cjjr.georgetown.edu/pdfs/ed/edpaper.pdf>.

180. See S. POVERTY LAW CTR., “ZERO TOLERANCE” AND THE SCHOOL TO PRISON PIPELINE 2 (n.d.), available at [http://www.splcenter.org/sites/default/files/stpp\\_overview\\_v2.pdf](http://www.splcenter.org/sites/default/files/stpp_overview_v2.pdf).

181. See *id.*

182. See Geronimo, *supra* note 176, at 291.

183. See *id.*

184. See Alicia Darenbourg et al., *Overrepresentation of African American Males in Exclusionary Discipline: The Role of School-Based Mental Health Professionals in Dismantling the School to Prison Pipeline*, 1 J. AFR. AM. MALES EDUC. 196, 198 (2010).

185. See *id.* at 199.

India Geronimo explains why this may occur. Geronimo refers to the three levels of institutional entrenchment within the pipeline: (1) the inter-institutional; (2) the intra-institutional; and (3) the interpersonal.<sup>186</sup> At the interpersonal level, she explores how cultural perceptions of marginalized communities dictate their treatment by others.<sup>187</sup> According to Geronimo, the “underclass hypothesis” explains how cultural perceptions affect decision making in educational environments.<sup>188</sup> She defines “underclass” as “an identifiable group facing powerful barriers to upward mobility,” and in the United States, this group tends to be heavily African American and Latino.<sup>189</sup> In essence, the underclass hypothesis postulates majorities react to protect their dominant position in response to fears over growing minority numbers.<sup>190</sup> By using methods of social control, such as harsher punishment for minorities who run afoul of the law, the majority attempts to preserve the established hierarchy and their position at the top.

In the United States, the perception of African Americans demonstrates Geronimo’s hypothesis; in the context of school discipline, her hypothesis explains the perception of black students as different from other children because they are intimidating or menacing.<sup>191</sup> Geronimo analyzes how these perceptions and fears operate on a subconscious level and manifest themselves through increased punitive punishments against students of color.<sup>192</sup> As a result of these subconscious perceptions, stereotypes, and outright racism, students of color are more likely to experience the negative consequences of the pipeline than their white counterparts. Black and Latino students have higher rates of suspension and expulsion than white students.<sup>193</sup> According to data from the Department of Education, black students are suspended three times more often

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186. See Geronimo, *supra* note 176, at 282.

187. See *id.* at 283.

188. See *id.* at 295.

189. *Id.* at 295-96 (quoting Lawrence Rosenthal, *Gang Loitering and Race*, 91 J. CRIM. L. & CRIMINOLOGY 99, 121 (2001)) (internal quotation marks omitted).

190. See *id.* at 296.

191. Geronimo, *supra* note 176, at 297.

192. See *id.*

193. See Tamar Lewin, *Black Students Punished More, Data Suggests*, N.Y. TIMES, Mar. 6, 2012, at A11.

than their white peers.<sup>194</sup> Furthermore, black students are far more likely than white students to face more severe punishment for the same offense.<sup>195</sup> Other research has demonstrated that black boys are disciplined more severely than white boys for less serious offenses.<sup>196</sup>

These outcomes should make us skeptical of introducing weapons into our schools. Pre-existing cultural perceptions and stereotypes about children of color will necessarily play a role in how law enforcement and armed staff use their weapons. Considering a hostile culture already exists between school police and minority students, arming the police with military-grade weapons will likely exacerbate the problem.<sup>197</sup> It will also further normalize the criminalization of our youth and perpetuate the negative outcomes that we hope to avoid.<sup>198</sup>

We have seen the impact of institutionalized racism on disciplinary decisions against students of color. When suspension is used, it is used more often on black students. When expulsion is used, it is used more often on black students. When SROs make arrests, they arrest more black students. It is not unreasonable to deduce that when police make decisions on when to use military-grade weapons and equipment, or armed teachers make decision on when to use their firearms, that they may use them more often in circumstances involving students of color.

As history has shown, even the most benign of programs evolve over time. For example, when police were first introduced into schools, it was part of a community policing program intended to reach out to students. In practice, however, SROs now operate as traditional police officers placed in schools. Many lack specialized training, and they typically perform traditional law enforcement duties, such as using force against students. Notwithstanding the fact that the federal government continues to define SROs as law enforcement officers who serve to educate students and train them about

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194. *See id.*

195. Damien M. Sojoyner, *Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline*, 4 BERKELEY REV. EDUC. 241, 243 (2013).

196. *See* Darenbourg et al., *supra* note 184, at 200.

197. *See* Letter from ACLU Texas et al. to Mark D. Harnitchek, Dir., Def. Logistics Agency (Sept. 15, 2014), available at [http://www.naacpldf.org/files/case\\_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf](http://www.naacpldf.org/files/case_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf).

198. *See id.*

illegal drugs and conflict resolution, many have forgotten their educational role. Instead, they focus on the disciplinary role of SROs.

Likewise, when military-grade weapons were introduced to local police departments, it was intended that they would be used by SWAT teams or other paramilitary units in response to rare hostage situations or terrorist attacks. But in practice, departments use these weapons in a plethora of circumstances, many of which do not require such heavy firepower. SWAT teams often use military-grade weapons to perform basic functions of law enforcement, such as serving warrants. The belief that military-grade weapons could be used more often than just in an active-shooter situation is not unreasonable.

We have already seen instances where SROs improperly utilized non-lethal weapons, such as pepper spray and tasers.<sup>199</sup> Geronimo's underclass theory provides an explanation for why students of color are at risk of becoming targets of the overuse of military-grade weapons. An established hierarchy exists between police and students, and in order to maintain this hierarchy, school police will use any method of control within their power to preserve it. Therefore, subconscious perceptions of fear will impact the use of force by police. Just as black students are more likely to experience the negative consequences of the school-to-prison pipeline, they too will suffer the negative consequences of the use of military-grade weapons. This in mind, it is not unreasonable to think that we may see the same trend occur in schools.

The militarization of schools can be perceived as a symbolic declaration of war against students. The mentality typically adopted by police officers when training and using military-grade weapons runs contrary to the spirit of the learning

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199. See, e.g., *SPLC Suit Over Police Use Of Pepper Spray Against Students in Birmingham, Ala., Gets Major Boost with Class Action Certification*, S. POVERTY L. CENTER (Sept. 5, 2012), <http://www.splcenter.org/get-informed/news/splc-suit-over-police-use-of-pepper-spray-against-students-in-birmingham-ala-gets-> (discussing a lawsuit brought by the Southern Poverty Law Center against the Birmingham Police Department alleging improper use of pepper spray on high school students); see also John O'Brien, *Syracuse Settles Taser Lawsuit Filed by Two High School Students, Sets New Police Policy*, SYRACUSE.COM, [http://www.syracuse.com/news/index.ssf/2014/12/syracuse\\_settles\\_taser\\_lawsuit\\_filed\\_by\\_two\\_city\\_school\\_students\\_sets\\_new\\_police.html](http://www.syracuse.com/news/index.ssf/2014/12/syracuse_settles_taser_lawsuit_filed_by_two_city_school_students_sets_new_police.html) (last updated Dec. 4, 2014, 1:55 PM) (discussing the settlement of a lawsuit brought by two high school students after law enforcement used tasers on them at school).

environment. As discussed, commentators describe police officers on paramilitary units as possessing a “warlike” mentality that views outsiders as potential threats.<sup>200</sup> Students can perceive non-verbal and symbolic messages sent by the use of military-grade weapons and military-style tactics by police. Children must learn in an environment of safety and trust. If students perceive police as a threat, they cannot focus entirely on their educational achievement. Additionally, police might be unable to obtain the cooperation of students because the trust relationship has already been irreparably destroyed. Since students of color already disproportionately receive punitive consequences at school, why should we expect it to be any different when school police make decisions regarding when to use assault weapons on these children? America’s education system has demonstrated that it cannot be trusted to educate or discipline all children in the same manner, regardless of their race or socioeconomic status. This being true, the system should not be granted the right to use military-grade weapons against our children.

## V. REFORM

Many have suggested solutions to undo or mitigate the damage created by the school-to-prison pipeline. Some of the most frequently touted solutions involve providing school staff and administration with additional training to deal with unruly student behavior.<sup>201</sup> Training teachers and staff in cultural sensitivity and on ways to use less punitive disciplinary techniques will likely reduce the frequency at which teachers turn to SROs for discipline.<sup>202</sup> Research reveals that a lack of cultural understanding causes teachers to refer students to administrative and criminal discipline proceedings more frequently.<sup>203</sup> Many teachers feel as though they cannot understand their students, and students feel more alienated and excluded after receiving harsher punishment than their peers.<sup>204</sup> Some proponents of reform advocate for the creation of statewide or national standards regarding SROs and their use of

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200. See Kraska & Cubellis, *supra* note 11, at 609.

201. Geronimo, *supra* note 176, at 299.

202. See Darenbourg et al., *supra* note 184, at 200.

203. See *id.* at 202.

204. See *id.*

force.<sup>205</sup> Instituting uniform standards provides consistency in nationwide law enforcement principles and allows lawmakers and scholars to easily collect data regarding the effectiveness of police in American public schools.

While commentators provide a number of thoughts and suggestions regarding the proper methods to demilitarize our education system, this article calls for one solution in particular—the adoption of a community policing organizational structure for school districts and local police departments. Because using military-grade weapons and tactics against the community renders community policing impossible, refocusing the organizational structure of police departments away from a military model and toward a community policing model will necessarily require the removal of military-grade weapons from schools.

Community policing, however defined, believes police and the community are equal partners in the journey for safe neighborhoods. The federal government's definition of community policing continues to place an undue focus on fear of crime<sup>206</sup> and therefore fails to adhere to the true purpose of the concept. Community policing is a department-wide strategy which emphasizes the necessity of the community in creating a safe environment.<sup>207</sup> It is “rooted in a theory of community consent” to police practices, “under which communities have a say in the definition of police practices.”<sup>208</sup> When effective, the community is the party that exerts control over the police with respect to the accepted methods of policing in the community.<sup>209</sup>

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205. See AM. CIVIL LIBERTIES UNION OF TEX., BILL BOOK 2011: 82ND LEGISLATIVE SESSION 3-4 (2011), available at [http://www.aclutx.org/documents/aclu\\_billbook2011\\_print.pdf](http://www.aclutx.org/documents/aclu_billbook2011_print.pdf) (noting similar proposal made in Texas in 2011).

206. See *Community Policing*, BUREAU JUST. STAT., [http://www.bjs.gov/index.cfm?ty=tp&tid=81#terms\\_def](http://www.bjs.gov/index.cfm?ty=tp&tid=81#terms_def) (last visited Jan. 18, 2015) (“A philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques between the police and the community. These strategies proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”).

207. See James Forman, Jr., *Community Policing and Youth as Assets*, 95 J. CRIM. L. & CRIMINOLOGY 1, 7-8 (2004).

208. See Reenah L. Kim, Note, *Legitimizing Community Consent to Local Policing: The Need for Democratically Negotiated Community Representation on Civilian Advisory Councils*, 36 HARV. C.R.-C.L. L. REV. 461, 476 (2001).

209. See *id.*



Some, such as Professor James Forman, have written on community policing's failure to embrace one of its greatest assets—youth.<sup>210</sup> Forman explains that while community policing in theory “rejects the discredited ‘warrior’ approach to policing, in which inner-city communities [are] viewed as implacably hostile to the policing enterprise,” it has failed to abolish the “us versus them” mentality which leads police to see children as targets.<sup>211</sup> Community policing recognizes that all community members, including police, adults, and children, are partners in working toward a comfortable and safe environment. The adoption of community policing practices promises to cause a shift in the current approach to local law enforcement.

The Justice Policy Institute argues that the most effective alternative to SROs and police in schools is simply focusing efforts on educating students.<sup>212</sup> In a 2011 report, the organization noted that keeping students in school keeps them occupied during the day and increases graduation rates.<sup>213</sup> The report urged administrators to embrace institutional solutions proven to positively benefit student behavior, such as reducing class sizes, hiring more counselors and school psychologists, and investing in school-wide conflict resolution and behavioral management programs.<sup>214</sup>

While changing the existing structure is the means many academics and members of the public view as the most effective method of reform, some scholars disagree. In his work, *Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline*, Professor Damien Sojoyner contends that seeking to undo the damage caused by the school-to-prison pipeline through policy changes is counterintuitive and ineffective.<sup>215</sup> He argues that the discussion has recently shifted away from one which acknowledges the historical underpinnings that enable the school-to-prison pipeline.<sup>216</sup> Sojoyner asserts that this shift legitimizes the idea that it can be

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210. Forman, *supra* note 207, at 2.

211. *Id.*

212. See JUSTICE POLICY INST., EDUCATION UNDER ARREST: THE CASE AGAINST POLICE IN SCHOOLS 24 (2011), available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_fullreport.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf).

213. See *id.* at 24-25, 30.

214. See *id.* at 25-27.

215. See Sojoyner, *supra* note 195, at 244-45.

216. See *id.* at 244.

necessary to discipline students for in-school behavior.<sup>217</sup> Rejecting this belief, he maintains that policy changes “fail[] to challenge the ethos of anti-Blackness as foundational to the formation and enactment of school discipline.”<sup>218</sup> He argues:

The current structure of discipline, curriculum, and policy formation within public education is based upon an anti-Black praxis of repression of Black struggles for liberation. In order to cast asunder the enclosure of Black education and the problem[] of policy-based models that function to mis-educate, marginalize, and exploit Black communities, solutions must be derived from the demands of the Black people within communities, not policy makers, philanthropic foundations, or manufactured leaders.<sup>219</sup>

While he declines to provide a list of proposed solutions, Professor Sojoyner advocates for reform by urging parties to place a greater focus on the intent and purpose of the pipeline. His means of achieving this goal include removing all forms of policing from black schools and neighborhoods, ending standardized testing, and giving black communities economic and pedagogical control over educational resources.<sup>220</sup>

## VI. CONCLUSION

The long road to militarized schools cannot easily be undone. Our country was founded on the principle that its citizens are to be free from unnecessary military involvement in everyday activities, but the modern fear of crime or terrorism has diluted the importance of this ideal. As local police became more focused on fighting crime and other ideological wars, schools adopted a similar position and began focusing on punishing children rather than educating them. Fighting crime, creating a safe learning environment, and educating students are not mutually exclusive. Schools and communities can work together so that the three can coexist. Mandating police intervention and increasing the presence of firearms is not the only way to achieve these goals. The school-to-prison pipeline should be a concern to everyone, not just African Americans, and as a nation, we should strive to educate all of our children so

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217. *See id.* at 245.

218. *Id.*

219. *Id.* at 261.

220. *See Sojoyner, supra* note 195, at 261.

they can become productive members of society. Hopefully, as we become more informed, we can work to achieve what everyone seeks—safe, effective schools to teach our kids.